

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MAY 1, 2014**

Invocation: Dr. Harvey Raben, Director of Congregational Learning, Congregation Agudas Achim

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, May 1, 2014 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:04 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 April 15, 2014, regular meeting of April 17, 2014 and budget work session of April 24, 2014.
The minutes from the City Council work session of April 15, 2014, regular meeting of April 17, 2014 and budget work session of April 24, 2014 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 International Biomedical to provide a performance-based incentive for the generation of solar energy at its facility located at 8206 Cross Park Drive #100, Austin, Texas, for an estimated \$36,497 per year, for a total amount not to exceed \$364,970 over a 10-year period.
The motion authorizing the negotiation and execution of an agreement with International Biomedical 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 a professional services agreement with the following three firms; TERRACON CONSULTANTS, INC., BAER ENGINEERING AND ENVIRONMENTAL CONSULTING, INC., and JENKINS ENVIRONMENTAL CONSULTING, LLC. or one of the other qualified responders for consultant services for the 2014 Asbestos, Lead Paint, and Mold Rotation List (CLMP143) for an estimated period of three years or until financial authorization is expended, for a total amount not to exceed \$1,800,000 divided evenly among the three firms. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (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 negotiation and execution of a professional services agreement with Terracon Consultants, Inc.; Baer Engineering and Environmental Consulting, Inc.; and Jenkins

Environmental Consulting, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

4. Approve ratification of a construction contract with RESTEK, INC., for Austin-Bergstrom International Airport Terminal Area Spalling Improvements Project in the amount of \$294,345 plus a \$30,000 contingency, for a total contract amount not to exceed \$324,345. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprises Procurement Program). This is a health and safety contract, therefore it is exempt under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.)

The motion to ratify a construction contract with Restek, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

5. Approve ratification of a construction contract with AUSTIN FILTER SYSTEMS, INC., for the River Plantation Drive Bridge over Onion Creek project in the amount of \$582,558 plus \$116,512 contingency, for a total contract amount not to exceed \$699,070. (Notes: This contract was awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 24.56% DBE subcontractor participation.)

The motion to ratify a construction contract with Austin Filter Systems, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 6 was pulled for discussion.

7. Authorize execution of an interlocal agreement with the Texas A&M Forest Service to establish a National Wildfire Coordinating Group wildland firefighter standard.

The motion authorizing the execution of an interlocal agreement with the Texas A&M Forest Service was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

8. Authorize execution of an interlocal agreement with the Texas A&M Forest Service regarding fire protection services.

The motion authorizing the execution of an interlocal agreement with the Texas A&M Forest Service was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

9. Approve recommendations related to purchasing a wildfire detection system by the City and related to establishing coordinated operations of wildfire detection systems owned by the City, Travis County, and the City of Westlake.

This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

10. Authorize settlement of all remaining claims with Emergency Service District No. 11 related to the November 8, 2012, annexation of the area around the Circuit of the Americas in the amount of \$87,067.

The motion authorizing the settlement of all remaining claims with Emergency Service District number eleven in the amount of \$87,067 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 11 was pulled for discussion.

12. Authorize negotiation and execution of an amendment to a development agreement with the Austin Revitalization Authority for the restoration and preservation of the structure located at 1154 Lydia Street, originally known as the Herman Schieffer House, a.k.a. East Room, to increase the contract in an amount not to exceed \$350,000, for a revised total contract amount not to exceed \$580,000.

The motion authorizing the negotiation and execution of an amendment to a development agreement with the Austin Revitalization Authority was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Mayor Pro Tem Cole and Council Member Spelman recused themselves.

Item 13 was pulled for discussion.

14. Approve a resolution consenting to the issuance of \$17,000,000 in multi-family housing revenue bonds by Austin Affordable, PFC, Inc., an affiliate of the Housing Authority of the City of Austin, to finance, in part, a proposed multi-family rental development for seniors to be located at 6934 East Ben White Boulevard.
Resolution 20140501-014 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
15. Approve a resolution authorizing the negotiation and execution of a multi-use agreement with the Texas Department of Transportation for use of right-of-way under MoPac along Slaughter Creek and the Kincheon Branch of Williamson Creek as a trail.
Resolution 20140501-015 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
16. Approve an ordinance amending the Fiscal Year 2013-2014 Schedule of Fees, Fines, and Other Charges (Ordinance No. 20130909-003) to allow the Austin Parks and Recreation Department to offer 2-hour and 3-hour block facility rental options.
Ordinance 20140501-016 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
17. Approve an ordinance amending City Code Chapters 8-3 and 10-6 relating to alcohol consumption and smoking on a pedestrian bridge.
This item was postponed to June 12, 2014 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 an interlocal agreement with Austin Independent School District (AISD) to provide the Fossils and Faults Field Experience for up to 600 participants in AISD's elementary science summer camp.
The motion authorizing the negotiation and execution of an interlocal agreement with Austin Independent School District (AISD) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
19. Approve an ordinance naming the baseball fields at Dove Springs District Park located at 5801 Ainez Drive.
Ordinance 20140501-019 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
20. Approve a resolution authorizing the City Manager to include a partial exemption from ad valorem taxes for certain historically-designated properties in budget calculations for the coming year; to provide this resolution to the Austin Independent School District; and to prepare an ordinance approving these partial exemptions to be considered by Council concurrently with the annual tax levy. April 28, 2014 - Unanimously approved by the Historic Landmark Commission on a 7-0 vote.
Resolution 20140501-020 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
21. Authorize award, negotiation, and execution of a professional services contract with CONVERGINT TECHNOLOGIES, LLC, to provide a security system upgrade for the access control system and video

management system software at Austin Bergstrom International Airport in an amount not to exceed \$140,000. (Notes: This professional services contract is exempt from the MBE/WBE ordinance. This exemption is 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, negotiation and execution of a professional services contract with Convergent Technologies, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

22. Authorize award, negotiation, and execution of various supply and service agreements for 36-month period with vendors through TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with COMMERCIAL SWIM, T.F. HARPER, KRAFTSMAN LP and any other qualified vendor for equipment installation, maintenance and repair of Aquatic Facilities for the City of Austin Parks and Recreation Department, in an amount not to exceed \$1,940,000. (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 contract.)

The motion authorizing the award, negotiation and execution of various supply and service agreements with vendors through Texas Local Government Purchasing Cooperative (BuyBoard) with Commercial Swim, T.F. Harper, Kraftsman LP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

23. Authorize award and execution of Amendment No. 4 to the contract with COPLOGIC, INC. for maintenance and support, updates and hosting for the DeskOfficer Online Reporting System (DORS) for the Austin Police Department to add three 12-month extension options in amounts not to exceed \$7,354 for the first option, \$7,722 for the second option and \$8,108 for the third option for a total contract amount not to exceed \$77,177. (Notes: This contract was 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 four to the contract with Coplogic, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

24. Authorize award and execution of a 36-month requirements service contract with LONE STAR MEDWASTE, LTD. dba MEDICAL WASTE, for medical waste disposal services for various City departments in an amount not to exceed \$41,400, with three 12-month extension options in an amount not to exceed \$13,800 for each extension option, for a total contract amount not to exceed \$82,800. (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 Lone Star Medwaste, LTD doing business as Medical Waste was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

25. Authorize award and execution of a 36-month requirements supply agreement with C SPECIALTIES, INC., to provide cardboard pet carriers for the Animal Services Department, in an amount not to exceed \$45,375, with three 12-month extension options in an amount not to exceed \$15,125 for each extension option, for a total contract amount not to exceed \$90,750. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

26. Authorize award and execution of a 12-month requirements service contract with WATSON CONSOLIDATED, TLI & ENVIRONMENTAL SVCS. (MB), VALDEZ REMODELING & WEATHERIZATION, INC. (WBE/FW), for lead hazard control and healthy homes services in an amount not to exceed \$698,824 each and combined, with three 12-month extension options in an amount not to exceed \$698,824 per option, each and combined for a total contract amount not to exceed \$2,096,472, each and combined. (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 Watson Consolidated, TLI & Environmental Svcs. (MB), Valdez Remodeling & Weatherization, Inc. (WBE/FW) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
27. Authorize award and execution of a 36-month requirements service contract with UNIQUE MANAGEMENT SERVICES, INC dba UNIQUE NATIONAL COLLECTIONS, to provide collection of delinquent library materials, fines, and fees in an amount not to exceed \$112,770 with three 12-month extension options in amounts not to exceed \$37,590 for each extension option, for a total contract amount not to exceed \$225,540. (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 Unique Management Services, Inc. doing business as Unique National Collections was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
28. Authorize award and execution of a 36-month requirements supply agreement with EBSCO INDUSTRIES, LLC to provide magazine and newspaper subscriptions in an amount not to exceed \$149,061 with three 12-month extension options in amounts not to exceed \$49,687 for each extension option, for a total contract amount not to exceed \$298,122. (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 EBSCO Industries, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
29. Authorize award and execution of contract with SIRSI CORPORATION dba SIRSIDYNIX to provide radio-frequency identification tags in an amount not to exceed \$137,272. (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 Sirsi Corporation doing business as Sirsidynix was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
30. Authorize award and execution of a contract through the United States General Services Administration's with LENCO INDUSTRIAL INC. for the purchase of an armored SWAT vehicle in an amount not to exceed \$270,315. (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 through the United States General Services Administration's with Lenco Industrial Inc. 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 Amendment No. 4 to the contract with WASTE MANAGEMENT OF TEXAS, INC., for refuse and recycling collection and hauling services within the Downtown Central Business District, to increase the authorized contract funding in an amount not to exceed \$250,000 for a revised total contract amount not to exceed \$2,475,380. (Notes: This contract was 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 four to the contract with Waste Management of Texas, 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 12-month supply contract with ACE CONTRACTOR SUPPLY for the purchase of arc-rated safety vests for Austin Energy personnel in an amount not to exceed \$71,739, with three 12-month extension options in an amount not to exceed \$14,348 per extension option, for a total contract amount not to exceed \$114,783. (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 Ace Contractor Supply 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 24-month requirements supply contract with ENGINEERED ENDEAVORS for the purchase of substation structural steel for Austin Energy in an amount not to exceed \$1,950,030, with three 12-month extension options in an amount not to exceed \$975,015 per extension option, for a total contract amount not to exceed \$4,875,075. (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 Engineered Endeavors was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

34. Approve an ordinance amending City Code Chapter 12-5 to authorize commercial service vehicles to conduct loading and unloading activities from a metered space, commercial loading zone, or curb-side travel lane.

Ordinance 20140501-034 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

35. 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, Mayor Pro Tem Cole's second on a 7-0 vote.

Board/Nominee

Austin Water Resource Planning Task Force
Marisa Perales

Nominated by

Council Member Martinez

Municipal Civil Service Commission

Pamela Lancaster

Kimberlee Kovach - nominated as Chair

Audit and Finance Committee

Planning Commission

Nuria Zaragoza

Council Member Morrison

Waivers

There are no waivers scheduled for today.

36. Approve a resolution directing the City Manager to explore sources of alternative funding for special events and to create a fee waiver process for large-scale events. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member William Spelman CO 2: Council Member Mike Martinez)
Resolution 20140501-036 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
37. Approve a resolution directing the City Manager to explore a public-private partnership for the creation of a Shoal Creek Watershed Management, Trail, Parks & Open Space Plan; to explore a strategy for the development, management, and operation of this plan; and to provide Council with a recommendation for the structure of this partnership, potential roles and responsibilities, and an implementation schedule. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley)
Resolution 20140501-037 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
38. Approve a resolution directing the City Manager to draft an ordinance relating to the use of solid waste, composting, recycling, and used oil receptacles by mobile food establishments. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)
Resolution 20140501-038 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
39. Approve a resolution establishing a Joint Working Group on Public Safety with Travis County. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez)
Resolution 20140501-039 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
40. Approve a resolution stating the Council's commitment to a secure and healthy financial future for the Austin Water Utility and directing the City Manager to work with the Joint Financial Subcommittee to develop recommendations for financial plans to strengthen the financial stability of Austin Water Utility (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley CO 2: Mayor Lee Leffingwell)
Resolution 20140501-040 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 41 and 42 were pulled for discussion.

43. Approve a resolution directing the City Manager to address digital inclusion, which deals with community-wide access to and adoption of digital technology, in the recommendation for the 2014 annual update to the Imagine Austin Comprehensive Plan. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Lee Leffingwell CO 2: Mayor Pro Tem Sheryl Cole)
Resolution 20140501-043 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

44. Approve a resolution directing the City Manager to review existing development regulations and to make recommendations to facilitate the development of point towers. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley)
Resolution 20140501-044 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
45. Set a public hearing to consider an ordinance repealing and replacing City Code Section 25-1-462 (Criminal Enforcement) to allow for enhanced criminal penalties for violations of the International Property Maintenance Code and similar codes. (Suggested date and time: May 15, 2014, 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set on consent for May 15, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
46. Set a public hearing regarding Texas Gas Service's proposal to increase customer gas rates. (Suggested date and time; May 15, 2014; 4:00 p.m. at City Hall; 301 W. Second Street, Austin, TX)
The public hearing was set on consent for May 15, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
47. Set a public hearing to consider an ordinance amending City Code Title 25 to allow placement of accessible ramps in required setbacks and to exclude accessible ramps from impervious cover calculations. (Suggested date and time: May 22, 2014, 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for May 22, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
48. Set a public hearing to consider an ordinance granting additional floor-to-area ratio to the project at 718 West 5th Street in accordance with the Downtown Density Bonus Program. (Suggested date and time: May 22, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for May 22, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
49. Set a public hearing to consider an ordinance that continues and readopts City Code Chapter 9-3, relating to juvenile day and night time curfews. (Suggested date and time: May 15, 2014, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX.)
The public hearing was set on consent for May 15, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 50 and 51 were briefing items set for 10:30 a.m.

Items 52 through 55 were Executive Session items.

Items 56 through 70 were zoning items set for 2:00 p.m.

Items 71 and 72 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

6. Authorize negotiation and execution of an interlocal agreement with Travis County for the City to provide fiscal impact analysis services to the County in an amount of \$1,000 for five analyses and up to \$750 for each additional analysis.
The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.
11. Authorize negotiation and execution of a modification to the Neighborhood Commercial Management Program (NCMP) loan to SOUTHWEST KEY PROGRAM, INC., to amend the terms of the loan to "deferred forgivable" through 2030.
This item was postponed to June 12, 2014 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote. Staff was directed to address economic incentive when this item is brought back before Council.
13. Approve a resolution consenting to the issuance of \$25,000,000 in multi-family housing revenue bonds by Austin Affordable, PFC, Inc., an affiliate of the Housing Authority of the City of Austin, to finance, in part, a proposed multi-family rental development to be located at 7000 East Ben White Boulevard.
Resolution 20140501-013 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

BRIEFINGS

50. Seaholm Intake Project Briefing.
The presentation was made by Lyn Estabrook, Project Manager, Parks and Recreation Department.
51. Briefing on a universal city-wide translation service policy (Follow-up from Council Resolution No. 20131017-038).
The presentation was made by Doug Matthews, Chief Communications Officer, Public Information Office.

DISCUSSION ITEMS CONTINUED

41. Approve a resolution directing the City Manager to plan for full cost recovery of Austin Energy line extensions, with an exemption for certain affordable housing, beginning October 1, 2014. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO 2: Council Member Mike Martinez)
This item was postponed to June 12, 2014 on Council Member Spelman's motion, Mayor Leffingwell'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.

Mayor Leffingwell recessed the Council Meeting at 11:42 a.m.

Mayor Leffingwell called the Council Meeting back to order at 12:02 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Noel Ting - Solar Access Rights

Alan Roddy - Lake Austin

Sandy Causey - Harper Park Condominium Development

Ian Dietrich - Harper Park

Peter Cesaro - Weekley Homes project at Harper Park

Mary Lynn Rogers-Reebel - Harper Park Condominium Development

Daniel Llanes - The Land Development Code re-write

David King - Austin Neighborhoods

Laura Pressley, Austin Neighborhoods Council - Land Development Code re-write

Mary Ingle - Code Next

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:47 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.

52. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
53. 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.
54. Discuss legal issues related to GHI Investments v. City of Austin et al., Cause No. D-1-GN-11-002658 in the 353rd Judicial District Court of Travis County (Private consultation with legal counsel- Section 551.071 of the Government Code).
55. Discuss legal issues related to Spicewood Springs Coalition et al. v. City of Austin et al., Appeal No. 13-0557 in the Supreme Court of Texas, on Petition for Review from the Third Court of Appeals, Appeal No. 03-11-00260 (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 1:14 p.m.

Mayor Leffingwell recessed the Council Meeting at 1:15 p.m.

Mayor Leffingwell called the Council Meeting back to order at 3:34 p.m.

ZONING CONSENT ITEMS

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

56. C814-2012-0055.02 - Covered Bridge Planned Unit Development - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 6714 Covered Bridge Drive (Williamson Creek Watershed-Barton Springs Zone) from planned unit development-neighborhood

plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning. The land in the PUD is within the area known as the Barton Springs Zone in which the City's Save Our Springs (SOS) ordinance applies. PUD zoning may modify City ordinances applicable to development of the land. First reading approved on April 10, 2014. Vote: 7-0. Owner: PPF AMLI Covered Bridge Drive, LLC; Covered Bridge Section 8, LLC. Applicant: Thrower Design (Ron Thrower). City Staff: Heather Chaffin, 512-974-2122.

Ordinance No. 20140501-056 for planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change a condition of zoning was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

57. 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, with conditions. 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 May 15, 2014 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

58. 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 single family residence standard lot-neighborhood plan (SF-2-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 withdrawn on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

59. C14-2013-0136 - Austin Elm Terrace, LP - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3215 Exposition Boulevard (Taylor Slough South Watershed) from unzoned (UNZ) and family residence (SF-3) district zoning to multi-family residence-low density (MF-2) district zoning. Staff Recommendation: To grant townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To grant townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning. Owner/Applicant: Austin Elm Terrace, LP (Steve Beuerlein). Agent: Husch Blackwell, LLP (Jerry L. Harris). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved on consent on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

The conditions were:

1. The property shall be limited to a maximum of 27 units or 12.37 dwelling units per acre.
2. Beginning 65 feet from the property line along Exposition Boulevard:
 - the maximum height permitted shall be 2 stories or 32 feet;
 - development shall comply with Subchapter F, Article 2, Section 2.7 (Side Wall Articulation) of the City Code, along the western façade of a building; and
 - remove the prohibition of condominium .uses ..

3. **Construction of a fence is prohibited along the property line adjacent to Exposition Boulevard.**
4. **A 35-foot wide vegetative buffer shall be provided/maintained beginning at the eastern edge of the sidewalk along Exposition Boulevard.**

60. C14-2013-0118 - Cooper Commercial - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7200 Cooper Lane (South Boggy Creek Watershed) from single family residence-standard lot (SF-2) district zoning to community commercial (GR) district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on May 6, 2014. Owner/Applicant: 38 1/2 Street LC (Guy Oliver). Agent: Husch Blackwell, LLP (Nikelle Meade). City Staff: Wendy Rhoades, 512-974-7719.

This item was postponed on consent to June 12, 2014 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

61. C14-2014-0003 - 1307 Waller Street - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1307 Waller Street (Waller Creek Watershed) from family residence-neighborhood plan (SF-3-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 be reviewed on May 13, 2014. Owner: Blake and Toria English; Applicant: McLean & Howard, LP (Katie Van Dyk). City Staff: Heather Chaffin, 512-974-2122.

This item was postponed on consent to May 22, 2014 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

62. C14-2014-0008 - All Saints Episcopal Church Annex - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 209-1/2 West 27th Street (Waller Creek Watershed) from multi-family residence-high density-historic landmark (MF-5-H) combining district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Owner/Applicant: Protestant Episcopal Church Council of the Diocese of Texas (Mike McChesney). Agent: Winstead P.C. (John Philip Donisi). City Staff: Wendy Rhoades, 512-974-7719.

This item was postponed on consent to May 15, 2014 at the applicant's request on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

63. C14-2014-0009 - All Saints Episcopal Church - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 209 West 27th Street (Waller Creek Watershed) from multi-family residence-high density (MF-5) district zoning to general commercial services-mixed use (CS-MU) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-mixed use-conditional overlay (CS-MU-CO) combining district zoning. Owner/Applicant: Protestant Episcopal Church Council of the Diocese of Texas (Mike McChesney). Agent: Winstead P.C. (John Philip Donisi). City Staff: Wendy Rhoades, 512-974-7719.

This item was postponed on consent to May 15, 2014 at the applicant's request on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

64. C14-2014-0035 - Adams House - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4300 Avenue G (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to family residence-neighborhood conservation combining district-

neighborhood plan (SF-3-NCCD-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To be reviewed May 13, 2014. Owner: Sidney Lock; Applicant: McHone Real Estate (Mike McHone). City Staff: Heather Chaffin, 512-974-2122.

This item was postponed on consent to May 22, 2014 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

65. C14-2013-0147 - 707 West Avenue Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 707 West Avenue (Shoal Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Owner: Cirrus Logic, Inc. (Thurman Case). Applicant: Armbrust & Brown, P.L.L.C. (Richard Suttle). City Staff: Heather Chaffin, 512-974-2122.

This item was postponed on consent to June 12, 2014 at the applicant's request on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

67. NP-2013-0030 - Conduct a public hearing and consider an ordinance amending the Imagine Austin Comprehensive Plan by adopting the South Austin Combined Neighborhood Plan. The boundaries for the South Austin Combined Neighborhood Planning Area are Ben White Blvd. on the north, South 1st St. on the east, William Cannon Drive on the south, and the Sunset Valley City Limits on the west.

This item was postponed on consent to August 28, 2014 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

68. C14-2014-0017 - Westgate Neighborhood Plan Area Rezonings - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as the Westgate Neighborhood Planning Area, generally bounded by West Ben White Boulevard on the north, Manchaca Road on the east, West Stassney Lane on the south, and generally along the lot line and Westgate Boulevard on the west (Williamson Creek Watershed). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area described above. The proposed zoning changes also implement the land use recommendations of the South Austin Combined Neighborhood Plan, NP-2013-0030, on 537.02 acres. Under the proposed Westgate NPCD, the following are proposed to be applied area-wide: 1) infill options including small-lot amnesty, cottage lot, urban home, secondary apartments and corner store; 2) design tools including parking placement and impervious cover restrictions, garage placement, and front porch setback, and 3) mobile food establishment restrictions. Staff Recommendation: To grant rezonings that implement the land use recommendations of the Westgate Neighborhood Plan. Planning Commission Recommendation: To be reviewed on June 24, 2014. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Francis Reilly, 512-974-7657.

This item was postponed on consent to August 28, 2014 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

69. C14-2014-0019 - Garrison Park Neighborhood Plan Area Rezonings - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as the Garrison Park Neighborhood Planning Area, generally bounded by West Stassney Lane on the north, South 1st Street on the east, West William Cannon Drive on the south, and Deatonhill Drive and generally along the lot line, and Westgate Boulevard on the west (Williamson Creek Watershed). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area described above. The proposed zoning changes also implement the land use recommendations of the South Austin Combined Neighborhood Plan, NP-2013-0030, on 1,257.6 acres. Under the proposed Garrison Park NPCD, the following are proposed to be applied area-wide: 1) infill options including

small-lot amnesty, cottage lot, urban home, secondary apartments and corner store; 2) design tools including parking placement and impervious cover restrictions, garage placement, and front porch setback, and 3) mobile food establishment restrictions. Staff Recommendation: To grant rezonings that implement the land use recommendations of the Garrison Park Neighborhood Plan. Planning Commission Recommendation: To be reviewed on June 24, 2014. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Francis Reilly, 512-974-7657.

This item was postponed on consent to August 28, 2014 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

70. C14-2014-0018 - South Manchaca Neighborhood Plan Area Rezonings - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as the South Manchaca Neighborhood Planning Area, generally bounded by West Ben White Boulevard on the north, South 1st Street on the east, West Stassney Lane on the south, and Manchaca Road on the west (West Bouldin Creek Watershed; Williamson Creek Watershed). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area described above. The proposed zoning changes also implement the land use recommendations of the South Austin Combined Neighborhood Plan, NP-2013-0030, on 889 acres. Under the proposed South Manchaca NPCD, the following are proposed to be applied area-wide: 1) infill options including small-lot amnesty, cottage lot, urban home, secondary apartments and corner store; 2) design tools including parking placement and impervious cover restrictions, garage placement, and front porch setback, and 3) mobile food establishment restrictions. Staff Recommendation: To grant rezonings that implement the land use recommendations of the South Manchaca Neighborhood Plan. Planning Commission Recommendation: To be reviewed on June 24, 2014. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Francis Reilly, 512-974-7657.

This item was postponed on consent to August 28, 2014 at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

42. Approve a resolution directing the City Manager to work with the South Lamar Neighborhood to propose a mitigation plan for needs in the neighborhood that address the challenges of infill development, utilize the area to develop and enhance tools to better anticipate the cumulative effects of increasing density, identify opportunities to coordinate with the rewrite of the Land Development Code, and report back to Council and the Comprehensive Plan and Transportation Council Committee. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Kathie Tovo)

Resolution 20140501-042 was approved with the following friendly amendment on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

There was a friendly amendment made by Council Member Spelman to add the following Whereas' and to amend the third "whereas" to read as follows. The amendment was not accepted by the maker of the motion.

"Whereas, the City Council recognizes that the population growth experienced by our city has created significant pressure on our housing supply, and that dense, central development along major transportation corridors is the most environmentally and fiscally responsible way to address this growth,

Whereas, there are many positive impacts of density, provided associated infrastructure needs can be met, and

Whereas, the cost of that infrastructure is also more affordable when development patterns are dense and central,"

In third whereas, eliminate “as a result,” and add “due to central location and location near major transportation corridors” after costs of housing.

There was a motion made by Council Member Spelman and seconded by Council Member Riley to add the following whereas’ and to amend the third “whereas” to read as follows. This motion died for lack of a vote.

“Whereas, the City Council recognizes that the population growth experienced by our city has created significant pressure on our housing supply, and that dense, central development along major transportation corridors is the most environmentally and fiscally responsible way to address this growth,

Whereas, there are many positive impacts of density, provided associated infrastructure needs can be met, and

Whereas, the cost of that infrastructure is also more affordable when development patterns are dense and central,”

In the third whereas, eliminate “as a result,” and add “due to central location and location near major transportation corridors” after costs of housing.

There was a friendly amendment made by Council Member Spelman to add the following Whereas’ after the second “Whereas” to read as follows and to eliminate “as a result” in the third whereas. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

“Whereas, the Imagine Austin Comprehensive Plan sets forth a vision of density along transportation corridors and within centers while preserving the integrity and character of neighborhoods; and

Whereas, density in appropriate places can have positive impacts when infrastructure needs are met; and

Whereas, the cost of that infrastructure is generally more affordable when development patterns are dense and central, however, in the South Lamar neighborhood and others, infrastructure capacities have been exceeded with unknown costs for mitigation upgrades or replacement; and”

Mayor Leffingwell recessed the Council Meeting at 3:49 p.m.

Mayor Leffingwell called the Council Meeting back to order at 4:01 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

71. Conduct a public hearing and consider an ordinance regarding floodplain variances for the construction of a new single-family residence at 1120 Eleanor Street as requested by the owner of the property. The property is partially in the 25-year floodplain and entirely in the 100-year floodplain of the Fort Branch. **There was a motion made by Council Member Morrison and seconded by Mayor Pro Tem Cole to deny the floodplain variance. The motion passed on a vote of 7-0.**

Mayor Leffingwell recessed the Council Meeting at 5:27 p.m.

LIVE MUSIC

Cilantro Boombox

PROCLAMATIONS

Proclamation -- Wildfire Awareness Day -- to be presented by Mayor Lee Leffingwell and to be accepted by AFD representatives

Presentation to Austin Water Utility by Jerry Saunders, US Environmental Protection Agency, to be accepted by Raj Bhattarai and AWU staff

Proclamation -- Motorcycle Safety Awareness Month -- to be presented by Mayor Lee Leffingwell and to be accepted by John Johnston, Cycle Stylz

Proclamation -- National Infant Immunization Week -- to be presented by Council Member Kathie Tovo and to be accepted by Coleen Christian

Proclamation -- Children's Mental Health Day -- to be presented by Council Member Kathie Tovo and to be accepted by LeShawn Arbuckle and Kris Downing

Proclamation -- Old Enfield Neighborhood Association's 100th Anniversary -- to be presented by Council Member Laura Morrison and to be accepted by Jim Christianson

Proclamation -- National Bike Month and Bike to Work Day

Mayor Leffingwell called the Council Meeting back to order at 6:50 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

72. Conduct a public hearing and consider an ordinance amending City Code Chapters 25-1 and 25-5 relating to vested development rights and continuing use rights under the Texas Local Government Code and amending Chapters 25-4 and 30-2 relating to subdivision plats.

The public hearing was conducted and there was a motion made by Council Member Spelman and seconded by Council Member Morrison to close the public hearing and adopt the first reading of the ordinance with amendments.

There was a friendly amendment made by Council Member Morrison to amend the ordinance as follows. The amendment was accepted by the maker of the motion.

Replace Section 25-1-536 with the following:

Section 25-1-536 Fair Notice Application.

- (A) A fair notice application submitted under this section may be used in lieu of a permit application to establish vested rights for a new project that is filed for review under current regulations and for which no prior permit has been sought.**
- (B) The director shall adopt a fair notice application under this section. The application must require a proposed plan for development, including the scope and intensity of the project and the nature of the proposed land use, but need not include construction-level detail.**
- (C) Acceptance of a fair notice application does not authorize construction or have any effect other than that prescribed by this article.**

Replace Subsection (A) of Section 25-1-535 with following:

- (A) Except as provided in Subsection (B) of this section, a petition for vested rights required by Section 25-1-534 (Vested Rights Petition Required) must be submitted on a form approved by the director and must include, at a minimum, the following information:
- (1) reference to one of the following applications, which must be submitted concurrent with the vested rights petition:
 - (a) a permit application for development of the property; or
 - (b) a development plan, on a form provided by the director, that establishes the nature of the permit sought, including the scope and intensity of proposed development and the type of land use;
 - (2) a summary of the basis on which the applicant claims vested rights;
 - (3) the date on which the applicant claims that vested rights accrued and any permit application or fair notice that was submitted on that date; and
 - (4) a complete chronological history of the project for which vested rights are claimed, including:
 - (a) a list of permits for development of the property, along with supporting documents, that were issued or applied for after the date the applicant claims that vested rights accrued;
 - (b) a description of any permitted or unpermitted development that occurred on the property after the date the applicant claims that vested rights accrued;
 - (c) a description of existing development on the property, regardless of whether the development is permitted or unpermitted;
 - (d) a list of all annexations and zoning changes affecting the property, if any;
 - (e) any covenants, conditions, or restrictions recorded in the deed records for the property; and
 - (f) if deemed relevant by the director, evidence regarding progress towards completion of the project under Section 25-1-554 (Expiration of Dormant Projects).

There was a friendly amendment made by Council Member Spelman to Replace paragraph (D)(2) of Section 25-1-541, at page five of the ordinance, with the following language: The amendment was accepted by Council Member Morrison, who made the second.

“(2) Findings of fact in support of the decision and information sufficient to identify the permit or fair notice application on which the petition is based; and”

There was a friendly amendment made by Council Member Spelman to amend Section 25-1-544, at page 8, to replace the phrase “claimed vested rights” with “vested rights that have been verified or are reasonably like to exist for the project.” The amendment was accepted by Council Member Morrison, who made the second.

There was a motion made by Council Member Spelman and seconded by Mayor Leffingwell to replace section 25-1-551(D), at page 10 of the ordinance, with the following language: The motion passed on a vote of 7-0.

“(D) A permit application submitted after a project expires constitutes a new project and is subject to the current regulations of this title, except that:

- (a) if a site plan associated with a project remains active at the time the project expires, the vested rights determination for the project applies to any application for a building permit necessary to complete construction of the site plan for as long as the site plan remains active; and”

There was a motion made by Council Member Spelman and seconded by Mayor Leffingwell to insert the following language in section 25-1-551(D), at page 10 of the ordinance. The motion failed

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

“(b) An application to extend a site plan associated with a project may be approved in accordance with Section 25-5-62 (Extension of Released Site Plan by Director) or Section 25-5-63 (Extension of Released Site Plan by The Land Use Commission).”

There was a motion made by Council Member Spelman and seconded by Mayor Leffingwell to insert the following language in section 25-1-551(D), at page 10 of the ordinance. The motion passed on a vote of 6-1. Council Member Morrison voted nay.

“(b) An application to extend a site plan associated with a project may be approved in accordance with Section 25-5-62 (Extension of Released Site Plan by Director).”

There was a motion made by Council Member Spelman and seconded by Mayor Leffingwell to delete subsection (B) and re-letter the remaining subsections accordingly. Replace section 25-1-553(D)(2), which will be re-lettered (C)(2), with the following language. The motion failed on a vote of 3-4. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Spelman. Those voting nay were: Council Members Martinez, Morrison, Riley and Tovo.

“(2) make a recommendation to approve or deny the agreement based on:

(a) the extent to which the project complies with the current regulations of this title; and

(b) whether the project is likely to:

- (i) require a longer period of time to construct than the timeframes established under Section 25-1-552 (Expiration of Projects Begun On or After {insert Effective Date});
- (ii) substantially further specific goals and policies of the Imagine Austin Comprehensive Plan; and
- (iii) result in development that is substantially superior environmentally to the minimum standards applicable to the project under Chapter 25-8 (Environment), as determined based on a recommendation from the environmental officer.”

There was a motion made by Council Member Spelman and seconded by Mayor Leffingwell to amend section 25-1-553(C) by replacing subsection (C) with the following language: The motion passed on a vote of 7-0.

“(C) An application for a managed growth agreement must:

- (1) contain all information required by the director, including a proposed project expiration date; and
- (2) be submitted one year prior to expiration.”

There was a motion made by Council Member Spelman and seconded by Council Member Riley to amend section 25-1-552, pages 10-11 of the ordinance by deleting subsections (B), (C), (E), (F) and (G), re-letter the remaining subsections accordingly, and change (re-lettered) subsections (B) and (C) to read as follows. The motion failed on a 3-4 vote. Those voting aye were: Mayor Leffingwell and Council Members Riley and Spelman. Those voting nay were: Mayor Pro Tem Cole and Council Members Martinez, Morrison and Tovo.

“(B) If the vesting date approved for a project under Section 25-1-541 (Vested Rights Determination) is based on a fair notice application (new project) submitted under Section 25-1-536 (Fair Notice Application), the project expires one year after the date the application was submitted unless the applicant submits a permit application prior to the expiration of the fair notice application.

(C) Except as provided in Subsection (B) of this section or in Section 25-1-551(C) (Expirations Generally), a project expires nine years after the vesting date approved for the project under Section 25-1-541 (Vested Rights Determination) so long as 551(C) does not apply.”

There was a motion made by Mayor Leffingwell and seconded by Council Member Spelman to have the clock start ticking at the time of approval not application. The motion failed on a vote of 3-4. Those voting aye were: Mayor Leffingwell and Council Members Spelman and Riley. Those voting nay were: Mayor Pro Tem Cole and Council Members Martinez, Morrison and Tovo.

There was a motion made by Council Member Tovo and seconded by Council Member Morrison to change section 25-1-544, subsection (E) as follows. The motion passed on a vote of 6-1. Mayor Leffingwell voted nay.

“(E) The city council may consider approval of a project consent agreement under this section only if the agreement is recommended by the director or initiated by the city council. Before acting on a consent agreement, the director shall seek a recommendation from the Environmental Board and the Land Use Commission, and the council shall hold a public hearing. The director shall provide notice of the hearing under Section 25-1-132(B) (Notice of 33 Public Hearing).”

There was a motion made by Council Member Tovo and seconded by Council Member Morrison to amend section 25-1-544, subsection (C) as follows. The motion passed on a vote of 5-2. 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.

“(C) The director may recommend a project consent agreement for approval to the city council if the director finds that the agreement achieves a greater degree of environmental protection and compatibility with adjacent land uses than would occur if a project developed to the full extent of its claimed vested rights.”

There was a motion made by Council Member Tovo and seconded by Council Member Morrison to change section 25-1-544, subsection (F) as follows. 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.

“(F) In acting on a project consent agreement, the city council may approve, deny, or modify the agreement based on the standard applicable to the director’s review under Subsections (C) and (D) of this section. A project consent agreement may waive or modify site development regulations applicable to a project as deemed appropriate by the city council, and a project consent agreement located in the Barton Springs Zone requires a super-majority vote of the council for approval.”

There was a motion made by Council Member Tovo and seconded by Council Member Morrison to amend part 3, City Code, Chapter 25-1, Article 13 by removing “to repeal...”. The motion passed on a vote of 7-0.

There was a motion made by Council Member Morrison and seconded by Council Member Spelman to replace Paragraph (D)(2)(c)-(d) with a new Paragraph (D)(2)(c) to read as follows: The motion passed on a vote of 7-0.

“(c) one of the following requirements is met:

- (i) the applicant constructed at least one structure shown on the original site plan that is suitable for permanent occupancy; or
- (ii) the applicant has constructed a significant portion of the infrastructure required for development of the original site plan.”

There was a motion made by Council Member Morrison and seconded by Council Member Tovo to amend section 25-1-552, subsection (D) by changing the one year expiration after the date the application was submitted to six months after the date the application was submitted. The motion failed on a vote of 3-4. Those voting aye were: Council Members Martinez, Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance with the amendments listed above was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 6-1 vote. Mayor Leffingwell voted nay.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved without objection.

ZONING DISCUSSION ITEM

66. C14H-2014-0001 - Baylor House - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1607 West 10th Street (Shoal Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To forward to Planning Commission without a recommendation. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To forward to City Council without a recommendation. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, Historic Preservation Office, Planning and Development Review Department, 512-974-6454.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on Mayor Pro Tem Cole’s motion, Council Member Riley’s 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.

Mayor Leffingwell adjourned the meeting at 10:28 p.m. without objection.

The minutes were approved on this the 15th day of May, 2014 on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.