

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MAY 22, 2014**

Invocation: Captain Eric Gerber, Chaplain, Army National Guard + Memorial Day Proclamation and Ceremony

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 22, 2014 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:25 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of May 13, 2014 and regular meeting of May 15, 2014.
The minutes from the City Council work session of May 13, 2014 and regular meeting of May 15, 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 a professional services agreement with STANLEY CONSULTANTS, INC., (staff recommendation) or one of the other qualified responders to RFQ Solicitation No. CLMP142, to provide Engineering Services for Austin Energy's Electric Service Delivery, in an amount not to exceed \$4,500,000. (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 15.80% MBE and 15.80% WBE sub-consultant participation.) Approved by the Electric Utility Commission on a vote of 5-1 with Vice Chair Hadden voting no and Commissioner Rai absent.
The motion authorizing the negotiation and execution of a professional services agreement with Stanley Consultants, Inc. 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 professional services agreements with HDR ENGINEERING, INC. and KIMLEY-HORN AND ASSOCIATES (staff recommendations), or one of the other qualified responders to RFQ Solicitation No. CLMP144, to provide preliminary engineering studies for the South Lamar Boulevard Corridor Development Project and the Guadalupe Street Corridor Project in an amount not to exceed \$600,000. (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 19.50% MBE and 21.50% WBE sub-consultant participation.)

The motion authorizing the negotiation and execution of professional services agreements with HDR Engineering, Inc. and Kimley-Horn and Associates was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

4. Authorize execution of a construction contract with AUSTIN FILTER SYSTEMS, INC., for the Walnut Creek Inflow Bank Stabilization-Site 5 Project in the amount of \$945,602 plus a \$47,280 contingency, for a total contract amount not to exceed \$992,882. (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 19.06% MBE and 1.80% WBE subcontractor participation.)
The motion authorizing the execution of 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.

Items 5 and 6 were pulled for discussion.

7. Authorize negotiation and execution of an interlocal agreement between the City and the University of Texas at Austin (UT) for research results regarding strategies for integrating the Emergency Medical Services Department with local healthcare networks to support patient-centered out-of-hospital care for payment by the City to UT in an amount not to exceed \$20,000.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and the University of Texas at Austin (UT) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman recused himself.
8. Authorize negotiation and execution of an amendment to the legal services agreement with Renea Hicks for legal services related to Eddie Rodriguez, et al v. Rick Perry et al, Cause No. SA-11-CA-635-OLGJES-XR [Consolidated case], in U.S. District Court for the Western District of Texas, San Antonio, in the amount of \$25,000 for a total contract amount not to exceed \$248,000.
The motion authorizing the negotiation and execution of an amendment to the legal services agreement with Renea Hicks was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 9 was pulled to be heard after the staff presentation.

10. Approve an ordinance amending the Fiscal Year 2013-2014 Parks and Recreation Department Capital Budget (Ordinance No. 20130909-002) to transfer in and appropriate \$25,000 in grant funds from the Fiscal Year 2013-2014 Planning and Development Review Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001); and authorizing the city manager to negotiate and execute a contract agreement for the grant funding with the Texas Historical Commission.
Ordinance No. 20140522-010 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
11. Approve an ordinance authorizing acceptance of \$10,000 in grant funds from the National Recreation and Park Association; and amending the Fiscal Year 2013-2014 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$10,000 for the Grow Your Park project.
Ordinance No. 20140522-011 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 12 was pulled for discussion.

13. Approve an ordinance amending the Fiscal Year 2013-2014 Public Works Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) authorizing acceptance of \$44,900 in grant funds

from the Sustainable Food Center of Austin, Texas for the implementation of a targeted, comprehensive Safe Routes to School Program in the Dove Springs area.

Ordinance No. 20140522-013 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

14. Authorize negotiation and execution of a 24-month service contract with AUSTIN ARMATURE WORKS, LP; EVANS ENTERPRISES, INC.; and ALLEN'S ELECTRIC MOTOR SERVICE, INC. for maintenance and repair services for large electric motors at Austin Energy power plants in an amount not to exceed \$832,000 each and combined for the initial 24-month contract period, with two 24-month extension options in an amount not to exceed \$832,000 each and combined for the first extension option and \$836,000 each and combined for the second extension option, for a total contract amount not to exceed \$2,500,000 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 contract.)
The motion authorizing the negotiation and execution of a service contract with Austin Armature Works, LP; Evans Enterprises, Inc.; and Allen's Electric Motor Service, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
15. Authorize award and execution of a 36-month requirements supply contract with HD SUPPLY WATERWORKS, LTD, for the supply of 24" and 32" manhole cover casting sets for the Austin Water Utility in an amount not to exceed \$337,081 with two 12-month extension options in an amount not to exceed \$112,361 per extension option for a total contract amount not to exceed \$561,809. (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 HD Supply Waterworks, LTD was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
16. Authorize award and execution of a 36-month requirements supply contract with TECHLINE PIPE for the purchase of fire hydrants for the Austin Water Utility in an amount not to exceed \$1,906,875 with two 12-month extension options in an amount not to exceed \$635,625 per extension option, for a total contract amount not to exceed \$3,178,125. (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 Techline Pipe was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
17. Authorize award and execution of a 24-month requirements supply contract with INDUSTRIAL ASPHALT & AGGREGATES, LLC, Austin, TX for the purchase of hot mix - cold laid asphaltic concrete in an amount not to exceed \$1,107,960 with two 12-month extension options in an amount not to exceed \$553,980 per extension option, for a total agreement amount not to exceed \$2,215,920. (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.)
This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
18. Authorize award and execution of a 36-month requirements supply agreement with MUELLER SYSTEMS, LLC, for the supply of repair parts for Hersey water meters for the Austin Water Utility in an amount not to exceed \$90,000, with three 12-month extension options in an amount not to exceed \$30,000 per extension option for a total contract amount not to exceed \$180,000. (Notes: This contract

will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

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

19. Authorize award and execution of two 24-month requirements supply contracts with HYDRAFLO, INC., for the purchase of fire hydrant upper barrels, stems and repair parts for the Austin Water Utility in an amount not to exceed \$74,877, with two 12-month extension options in an amount not to exceed \$37,439 per extension option for a total contract amount not to exceed \$149,755, and with HD SUPPLY WATERWORKS LTD, in an amount not to exceed \$49,141 with two 12-month extension options in an amount not to exceed \$24,571 per extension option for a total contract amount not to exceed \$98,283. (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 two requirements supply contracts with Hydraflo, Inc. and HD Supply Waterworks LTD was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

20. Authorize award and execution of a 24-month requirements supply agreement with DXI INDUSTRIES, INC. for the purchase of liquid sulfur dioxide for the Austin Water Utility in an estimated amount not to exceed \$373,520 with two 12-month extension options in an amount not to exceed \$187,760 per extension option, for a total contract amount not to exceed \$747,040. (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 DXI Industries, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

21. Authorize ratification of a contract with PEABODY GENERAL CONTRACTORS, INC., for emergency repairs to the Mabel Davis Leachate Lift Station of the Austin Water Utility in a total amount of \$87,515. (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 solicitation.)

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

Item 22 was pulled to be heard after the TIF meeting.

23. Authorize award and execution of a 12-month requirements supply contract ALERE, INC. dba. ALERE NORTH AMERICAN, LLC. to provide Rapid Diagnostic Human Immunodeficiency Virus Test Kits and Controls in an amount not to exceed \$200,000, with five 12-month extension options in an amount not to exceed \$200,000 per option, for a total contract amount not to exceed \$1,200,000. (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 and execution of a requirements supply contract Alere, Inc. doing business as Alere North American, LLC 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 12-month requirements supply contract through the Texas Procurement and Support Services Cooperative Purchasing Program for the purchase of vaccines, in an amount not to exceed \$1,307,613, with five 12-month extension options in the amounts not to exceed \$1,307,613 per option, for a total contract amount not to exceed \$7,845,678. (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 the Texas Procurement and Support Services Cooperative Purchasing Program 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 12-month requirements supply agreement with AIRGAS SPECIALTY PRODUCTS INC., to provide aqueous ammonia in bulk for Sand Hill Energy Center, in an amount not to exceed \$68,740 with three 12-month extension options in an amount not to exceed \$68,740 per extension option, for a total contract amount not to exceed \$ 274,960. (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 Airgas Specialty Products 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, negotiation and execution of a 12-month requirements service contract with 3M COGENT, INC. to provide maintenance and support of the hardware and software associated with the Automated Fingerprint Identification System and for enhancement support services to the City of Austin Police Department in an amount not to exceed \$147,866, with three 12-month extension options in an amount not to exceed \$147,866 per extension option, for a total contract amount not to exceed \$591,464. (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, negotiation and execution of a requirements service contract with 3M Cogent, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
27. Authorize award, negotiation and execution of a 36 month requirements service contract with ASSETWORKS, INC. for software, software maintenance, hardware and training for the Fuel Monitoring and Vehicle Maintenance System used by the Fleet Services Department in an amount not to exceed \$1,202,238 with three 12-month extension options in an amount not to exceed \$400,746 per extension option, for a total contract amount not to exceed \$2,404,476. (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, negotiation and execution of a requirements service contract with Assetworks, Inc. 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 service contract with ENVIRONMENTAL SURVEY CONSULTING, INC., or one of the other qualified bidders for IFB-BV No. LMR0100, to provide maintenance of green stormwater infrastructure in an amount not to exceed \$429,453, with three 12-month extension options in an amount not to exceed \$143,151 per extension option, for a total contract amount not to exceed \$858,906. (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 a requirements service contract with Environmental Survey Consulting, Inc. 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 a 24-month requirements service contract with ENVIRONMENTAL SURVEY CONSULTING, INC., or one of the other qualified bidders for IFB-BV No. LMR0101, to provide installation and first year maintenance of green stormwater infrastructure in an amount not to exceed \$1,637,076, with four 12-month extension options in an amount not to exceed \$818,538 per extension option, for a total contract amount not to exceed \$4,911,228. (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 a requirements service contract with Environmental Survey Consulting, Inc. 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 two 36-month requirements supply contracts with HESSELBEIN TIRE SOUTHWEST, INC. AND YOUNGBLOOD AUTOMOTIVE & TIRE, LLC to provide tires and tubes in a total amount not to exceed \$4,833,807 each and combined, with three 12-month extension options in a total amount not to exceed \$1,611,269 per extension option each and combined, for a total contract amount not to exceed \$9,667,614 each and combined; or consistent with the City's authority under statute to consider a bidder's local presence in awarding contracts, authorize award and execution of three 36-month requirements supply contracts with HESSELBEIN TIRE SOUTHWEST, INC., KANDO PARTNERS DBA KLINGEMANN AMERICAN CAR CARE CENTER, AND YOUNGBLOOD AUTOMOTIVE & TIRE, LLC to provide tires and tubes in a total amount not to exceed \$4,845,711 each and combined, with three 12-month extension options in a total amount not to exceed \$1,615,237 per extension option each and combined, for a total contract amount not to exceed \$9,691,422 each and combined. (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.)

This item was postponed on consent to June 12, 2014 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

31. Authorize award and execution of contracts for various types of heavy -duty vehicles and equipment through the Texas Local Government Purchasing Cooperative (BuyBoard) with CLARK EQUIPMENT COMPANY DBA BOBCAT COMPANY for the purchase of three mini excavators and two skid steer loaders in an amount not to exceed \$357,595; CENTRAL TEXAS EQUIPMENT for the purchase of six arrow boards and two message boards in an amount not to exceed \$72,340; COOPER EQUIPMENT COMPANY, INC. for the purchase of two 55 ton trailers, one paver, and one street sweeper in an amount not to exceed \$531,857; AUSTIN TRUCK & EQUIPMENT INC. LTD DBA FREIGHTLINER OF AUSTIN for the purchase of four heavy-duty vehicles in an amount not to exceed \$804,982; MAGNUM CUSTOM TRAILER MFG CO., INC. DBA MAGNUM TRAILERS for the purchase of three enclosed trailers in an amount not to exceed \$58,771; RDO EQUIPMENT CO. for the purchase of two skid steers and one loader in an amount not to exceed \$430,154; VERMEER EQUIPMENT OF TEXAS, INC. for the purchase of one trommel screener in an amount not to exceed \$286,118; WAUKESHA-PEARCE INDUSTRIES, INC. for the purchase of one truck mounted excavator in an amount not to exceed \$324,774; and WIRTGEN AMERICA INC. for the purchase of three drum rollers in an amount not to exceed \$244,616; for total contracts amount not to exceed \$3,111,207.

The motion authorizing the award and execution of contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with Clark Equipment Company doing business as Bobcat Company; Central Texas Equipment; Cooper Equipment Company, Inc.; Austin Truck & Equipment Inc. LTD doing business as Freightliner of Austin; Magnum Custom Trailer Mfg. Co., Inc., doing business as Magnum Trailers; RDO Equipment Co.; Vermeer Equipment of Texas,

Inc.; Waukesha-Pearce Industries, Inc.; and Wirtgen America 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 contracts for light-duty vehicles through the Texas Local Government Purchasing Cooperative with CALDWELL COUNTRY CHEVROLET DBA BABY JACK II AUTOMOTIVE, LTD for the purchase of 27 light-duty vehicles in an amount not to exceed \$1,017,441; GRAPEVINE DODGE CHRYSLER JEEP, LLC DBA GRAPEVINE DCJ, LLC for the purchase of 14 light-duty vehicles in an amount not to exceed \$581,015; SILSBEE FORD, INC. for the purchase of 49 light-duty vehicles in an amount not to exceed \$1,219,628; and SILSBEE TOYOTA, INC. for the purchase of one Prius in an amount not to exceed \$23,307, for total contracts amount not to exceed \$2,841,391. (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.) Approved by the Electric Utility Commission on a vote of 6-0 with Commissioner Rai absent.

The motion authorizing the award and execution of contracts through the Texas Local Government Purchasing Cooperative with Caldwell Country Chevrolet doing business as Baby Jack II Automotive, Ltd; Grapevine Dodge Chrysler Jeep, LLC doing business as Grapevine DCJ, LLC; Silsbee Ford, Inc.; and Silsbee Toyota, Inc. 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 contracts for heavy-duty vehicles and equipment through the Houston-Galveston Area Council Cooperative with SANTEX TRUCK CENTERS, LTD for the purchase of 24 heavy-duty trucks in an amount not to exceed \$2,688,526 and MAGNUM CUSTOM TRAILER MFG CO., INC. DBA MAGNUM TRAILERS for the purchase of 9 trailers in an amount not to exceed \$93,311; for total contracts amount not to exceed \$2,781,837. (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.) Approved by the Electric Utility Commission on a vote of 6-0 with Commissioner Rai absent.

The motion authorizing the award and execution of contracts with Santex Truck Centers, Ltd and Magnum Custom Trailer MFG Co., Inc. doing business as Magnum Trailers was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

34. Authorize award and execution of contracts for heavy-duty equipment and all-terrain vehicles through the Texas Local Government Purchasing Cooperative with AMERICAN MATERIAL HANDLING, INC. for the purchase of four forklifts in an amount not to exceed \$172,712; POLARIS SALES, INC. for the purchase of five light-duty all-terrain vehicles in an amount not to exceed \$70,044; and TIME MANUFACTURING CO. DBA VERSALIFT SOUTHWEST for the purchase of three aerial lifts in an amount not to exceed \$282,085; for total contracts amount not to exceed \$524,841. (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.) Approved by the Electric Utility Commission on a vote of 6-0 with Commissioner Rai absent.

The motion authorizing the award and execution of contracts with American Material Handling, Inc.; Polaris Sales, Inc.; and Time Manufacturing Co. doing business as Versalift Southwest was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

35. Authorize award and execution of a 12-month requirements supply and service agreement with ALL STAR X-RAY, INC. to provide a digital radiography system including installation, training, preventative maintenance, and repair services in an amount not to exceed \$98,282, with four 12-month extension options in an amount not to exceed \$3,600 per extension option, for an total contract amount not to exceed \$112,681.50. (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 supply and service agreement with All Star X-Ray, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

36. Authorize award and execution of a 34-months requirements supply contract through the Texas Local Government Purchasing Cooperative with GT DISTRIBUTORS INC. AND PRECISION DELTA CORP. to provide ammunition for the Austin Police Department for a total contract amount not to exceed \$1,200,000, each and combined. (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 the Texas Local Government Purchasing Cooperative with GT Distributors Inc. and Precision Delta Corp. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
37. Approve an ordinance suspending a Gas Reliability Infrastructure Program interim customer surcharge proposed by CenterPoint Energy, South Texas Division.
Ordinance No. 20140522-037 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
38. Approve an ordinance denying a rate increase filing of ATMOS Energy Corporation, Mid-Tex Division; requiring reimbursement of municipal rate case expenses by the regulated utility; and providing notice to ATMOS Energy Corporation, Mid-Tex Division.
Ordinance No. 20140522-038 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
39. Approve negotiation and execution of an interlocal agreement between the City and Travis County for the first phase of the Decker Lane (FM 3177) sidewalk and bridge project, from Loyola Lane to Daffan Lane.
The motion authorizing the negotiation and execution of an interlocal agreement between the City and Travis County was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
40. Approve an ordinance authorizing the issuance and sale of City of Austin, Texas, Water and Wastewater System Revenue Refunding Bonds, Series 2014, in a par amount not to exceed \$310,000,000 by January 31, 2015 in accordance with the parameters set out in the ordinance, authorizing related documents, and approving related fees.
Ordinance No. 20140522-040 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
41. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
The following appointments and waivers were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Nominations

Board/Nominee

Mexican American Cultural Center Advisory Board
Kathryn McMahon

Nominated by

Council Member Riley

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Meredith Highsmith and Boone Blocker on the Urban Transportation Commission. The waiver includes absences through today's date.

42. Approve a resolution directing the City Manager to work with stakeholders to create a parking management district for the Mueller development. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member William Spelman CO 2: Mayor Pro Tem Sheryl Cole)
Resolution No. 20140522-042 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
43. Approve a resolution directing the City Manager to initiate a stakeholder process to make recommendations on a temporary Residential Permit Parking Program for areas impacted by special events, construction projects, and other high parking-impact activities, and report back to Council within 90 days. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Council Member William Spelman)
Resolution No. 20140522-043 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 evaluate the City of Austin's performance as measured by the Human Rights Campaign's Municipal Equality Index and report back on how that performance could be improved. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member William Spelman CO 2: Council Member Laura Morrison)
Resolution No. 20140522-044 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 45 and 46 were pulled for discussion.

47. Approve an ordinance waiving certain fees for the Mobile Loaves & Fishes Proposed Community First Village. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Mayor Pro Tem Sheryl Cole)
Ordinance No. 20140522-047 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
48. Approve a resolution directing the City Manager to implement City staff's recommendations related to enhancing the City of Austin's climate resiliency by providing cost estimates for more detailed climate projections and vulnerability assessments, presenting them to City Council as items to consider for inclusion in the Fiscal Year 2015 budget, and incorporating climate resiliency strategies in all budget and planning efforts. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Council Member William Spelman)
Resolution No. 20140522-048 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
49. Approve a resolution initiating amendments to City Code Title 25 to reduce regulatory barriers to accessory dwelling units that are less than 500 square feet, including but not limited to eliminating parking and driveway requirements; and directing the City Manager to convene a stakeholder process for additional recommendations. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez)
This item was postponed on consent to June 12, 2014 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

50. Approve a resolution initiating amendments to City Code Title 25 relating to site development regulations for single family residential use in Downtown Mixed Use (DMU) zoning districts. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)
Resolution No. 20140522-050 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
51. Approve an ordinance waiving or reimbursing certain fees for the Austin Bangla School to hold classes at the Asian American Resource Center during June and July 2014, in an amount not to exceed \$800. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)
Ordinance No. 20140522-051 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
52. Set a public hearing to consider approval of the City of Austin Urban Trails Master Plan (Suggested date and time: June 26, 2014, at 4:00 p.m., Austin City Hall, Council Chambers, 301 W. Second Street, Austin, Texas)
The public hearing was set on consent for June 26, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, Texas on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
53. Set a public hearing to consider approval of the Republic Square Master Plan, which covers an area bounded by San Antonio, 5th, Guadalupe and 4th streets. (Suggested date and time: June 12, 2014 at 4:00 pm, Austin City Council Chambers, 301 W. 2nd Street, Austin, Texas.)
The public hearing was set on consent for June 12, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, Texas on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
54. Set a public hearing to consider a resolution providing that the City Council has no objection to a proposed affordable housing rental development called the Lowden Lane Apartments located at 12701 Lowden Lane in Manchaca, Texas(Suggested date and time: June 12, 2014, beginning at 4 p.m. at Austin City Hall, 301 W. Second Street, Austin TX).
The public hearing was set on consent for June 12, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, Texas on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
55. Set a public hearing to consider an ordinance regarding floodplain variances for development of a mixed-use building and associated parking at 801 Barton Springs Road that would encroach into the 25-year and 100-year floodplains of East Bouldin Creek. (Suggested date and time: June 12, 2014, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set on consent for June 12, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, Texas on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
56. Set a public hearing to consider the expansion of the Austin Downtown Public Improvement District by adding one parcel of land as requested by the property owner. (Suggested date and time: June 26, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)
The public hearing was set on consent for June 26, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, Texas on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
57. Set a public hearing to consider an ordinance adopting the City of Austin Complete Streets Policy which promotes roads that are designed to safely accommodate necessary street functions for all users.

(Suggested date and time of the hearing: June 12, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)

The public hearing was set on consent for June 12, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, Texas on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

58. Set a public hearing to consider an ordinance naming the parkland located at 3000 Del Curto Road to Del Curto Neighborhood Park (Suggested date and time: June 12, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for June 12, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, Texas on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote. Direction was given to staff to post the language to name the parkland more generally to allow Council to discuss any name that might come up.

Item 59 was a closed public hearing item.

Item 60 was a briefing item set for 10:30 a.m.

Items 61 through 65 were Executive Session items.

Items 66 through 72 were zoning items set for 2:00 p.m.

Item 73 was an AHFC item set for 3:00 p.m.

Item 74 was a TIF item set for 3:00 p.m.

Items 75 through 79 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

45. Approve a resolution naming the East Lawn portion of Auditorium Shores "Vic Mathias Shores" and establishing different criteria and procedures for the naming of this property. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member William Spelman)
There was a motion made by Mayor Pro Tem Cole and seconded by Council Member Martinez to submit the name Vic Mathias for consideration under the requirements of Chapter 14-1, Article 4.

Mayor Leffingwell turned the Chair over to Mayor Pro Tem Cole.

There was a substitute motion made by Mayor Leffingwell to approve the resolution. This motion died for lack of a second.

There was a motion made by Mayor Pro Tem Cole and seconded by Council Member Martinez to submit the name Vic Mathias for consideration under the requirements of Chapter 14-1, Article 4. The motion passed on a vote of 6-1. Mayor Leffingwell voted nay.

CITIZEN COMMUNICATIONS: GENERAL

Rae Nadler-Olenick - Water fluoridation

Gus Peña - 1. Memorial Day is a day to remember all veterans who sacrificed their lives in defense of our Country's freedom, safety and democracy. 2. You all will have the day off. Because of the sacrifices that our veterans made in serving our country and dying for our country. 3. Remember also those especially who died in Vietnam. History one day will reflect the bravery shown by our men and women who died in

Vietnam especially my friend and classmate Alex Quiroz. 4. Thank you Mr. Marc Ott for the great job you are doing as our City Manager. Veterans support our City Manager. 5. Thank you Commander Steve Deaton of A.P.D. for your service to our city.

Doug White - Fair buy-out

Linda Greene - U.S. Government says "Too much fluoride in water."

Angela Carvallo - Fire safety

Volma Overton - Traffic relief and solutions

Paul Robbins - City and budget issues

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:25 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.

61. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
62. 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.
63. Discuss legal issues relating to a November 2014 bond election (Private consultation with legal counsel - Section 551.071 of the Government Code).
64. Discuss legal issues related to the Green Water Treatment Plant Master Development Agreement (Private consultation with legal counsel - Section 551.071 of the Government Code).
This item was withdrawn.
65. Discuss legal issues related to the July 26, 2013 officer-involved shooting (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 3:20 p.m.

DISCUSSION ITEMS CONTINUED

22. Authorize award and execution of a 36-month requirements supply agreement with TBFC, LLC dba EZ HOLIDAY LIGHTS to provide tree lighting and maintenance services for the Economic Development Department, in an amount not to exceed \$117,600 with three 12-month extension options in amounts not to exceed \$39,200 for each extension option, for a total contract amount not to exceed \$235,200. (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.)
This item was withdrawn without objection.

ZONING CONSENT ITEMS

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

Action was taken on item 68 but was reconsidered later in the meeting. See below.

69. C14-2014-0025 - Briley's Upholstery Shop - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2117 and 2119 Northland Drive (Shoal Creek Watershed) from family residence (SF-3) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office-mixed use-conditional overlay (LO-MU-CO) combining district for Tract 2. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning for Tract 1 and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To be reviewed on May 20, 2014. Owner/Applicant: Austin RJM Corporation, dba Briley's Upholstery Shop (Rebecca J. McKee). Agent: Permit Partners, LLC (David Cancialosi). City Staff: Wendy Rhoades, 512-974-7719.

This item was postponed on consent to June 12, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

70. C14-2014-0029 - Central Charm - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2121 Northland Drive (Shoal Creek Watershed) from family residence (SF-3) district zoning to neighborhood commercial-mixed use (LR-MU) combining district zoning, as amended. Staff Recommendation: To grant limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on May 20, 2014. Owner/Applicant: Keri Golden. City Staff: Wendy Rhoades, 512-974-7719.

This item was postponed on consent to June 12, 2012 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

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

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140522-071 for family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning, to change a condition of zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

72. C814-2007-0009.01 - The Terrace in Oak Hill PUD (West 71 Office Park PUD Amendment) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 8500 State Highway 71 West (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 conditions of zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning. Planning Commission Recommendation: To grant

planned unit development-neighborhood plan (PUD-NP) combining district zoning, to change conditions of zoning. Owner: Michael B. Knepp. Applicant: Doucet & Associates (Ted McConaghy). City Staff: Lee Heckman, 512-974-7604, and Mike McDougal, 512-974-6380.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for planned unit development-neighborhood plan (PUD-NP) combining district zoning, 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.

BRIEFINGS

60. Project Connect Central Corridor Update.
The presentation was made by Kyle Keahey, HNTB Corporation.

DISCUSSION ITEMS CONTINUED

46. Approve an ordinance waiving certain fees and requirements associated with the development of the Seton teaching hospital. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole)
This item was postponed to June 12, 2014 on Council Member Spelman's motion, Council Member Morrison's second on a 6-1 vote. Mayor Leffingwell voted nay.
9. Approve a settlement in GHI Investments v. City of Austin, et. al, Cause No. D-1-GN-11-002658, in the District Court for Travis County, Texas, 353rd Judicial District.
The motion to settle the above referenced lawsuit, by the City paying \$105,000 to GHI Investments, was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second, on a 7-0 vote. In exchange for the payment GHI will dismiss it's lawsuit against the City with prejudice and release the City from any claims that were are could have been asserted in the lawsuit and the parties will bear its own cost.

DISCUSSION ITEMS CONTINUED

12. Approve a resolution directing the Planning Commission to consider a planning process and resulting plans for the North Central Austin Study Area which will create new neighborhood plans for the Rosedale, Allandale, and North Shoal Creek Neighborhood Planning Areas; revised neighborhood plans for the Brentwood, Highland, Crestview, and Wooten Neighborhood Planning Areas; and new corridor plans for Burnet Road from 45th Street to US 183 and Anderson Lane from Mopac to the Capital Metropolitan Transportation Authority's railroad track.
This item was postponed to June 12, 2014 on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
5. Approve a resolution to nominate Spansion LLC for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with the Texas Government Code Chapter 2303 (Texas Enterprise Zone Act).
Resolution No. 20140522-005 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
6. Approve a resolution to nominate Flextronics America LLC for designation by the Governor's Office of Economic Development and Tourism as a single Texas Enterprise Project in accordance with the Texas Government Code Chapter 2303 (Texas Enterprise Zone Act).
Resolution No. 20140522-006 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

The Austin Housing Finance Corporation meeting was withdrawn without objection.

The Tax Increment Financing Board 18 meeting was withdrawn without objection.

Mayor Leffingwell recessed the meeting for Live Music and Proclamations at 5:38 p.m.

LIVE MUSIC

Manuel "Cowboy" Donley

PROCLAMATIONS

Proclamation -- Take Heart Day -- to be presented by Mayor Lee Leffingwell and to be accepted by EMS

Proclamation -- National Safety Month -- to be presented by Mayor Lee Leffingwell and to be accepted by JoAnn Cowan and members of the COA Safety Committee

Proclamation -- 50th Anniversary of SCORE (Service Corps of Retired Executives) -- to be presented by Mayor Lee Leffingwell and to be accepted by SCORE

Proclamation -- ABIA's 15th Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Jim Smith

Proclamation -- Stroke Awareness Month -- to be presented by Council Member Laura Morrison and to be accepted by Courtney DeBower and John Murphy

Proclamation -- Barton Springs and National Trails Day -- to be presented by Council Member Mike Martinez and to be accepted by George Cofer

Distinguished Service Award (retirement) -- Vikki Branning, EMS -- to be presented by Council Member Mike Martinez and to be accepted by the honoree

Distinguished Service Award -- Lauren Bennett, Moveability -- 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 7:13 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

76. Conduct a public hearing and consider an ordinance amending City Code Title 25 to allow mobile retail sale of goods and to establish permitting requirements.
This item was postponed to June 26, 2014 on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Council Member Riley was off the dais.
75. Conduct a public hearing and consider approving the Master Plan for Holly Shores/Edward Rendon Sr. Park at Festival Beach, Fiesta Gardens which covers approximately 99 acres generally located 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 August 28, 2014 at 7:00 p.m. with the following direction on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Riley was off the dais. Direction was given to staff to incorporate:
 - much of the work that has already been done so when the item comes back on August 28, 2014 Council has a full detailed Master Plan that people have been able to read through and understand;
 - all of the work and the staff recommendations that are reflected in the May 16, 2014 memo regarding the issues that East Town Lake Citizen Association has brought forward;

- that this is considered a district level park; and
- continue work with the neighborhood association and the advisory group

ZONING DISCUSSION ITEM

68. 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 deny single family residence (small lot)-neighborhood plan (SF-4A-NP) combining district zoning. 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 June 26, 2012 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

A motion to reconsider item 68 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

There was a motion made by Council Member Spelman and seconded by Mayor Pro Tem Cole to postpone this item to June 12, 2014. The motion passed on a vote of 7-0.

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS

59. Approve second and third readings of 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 FOR THIS ITEM WAS HELD AND CLOSED ON MAY 1, 2014.)

There was a motion made by Council Member Spelman and seconded by Mayor Pro Tem Cole to approve Divisions one and two on second reading. This motion was later withdrawn by Council Member Spelman.

There was a motion made by Council Member Morrison and seconded by Council Member Spelman to approve Divisions One and Two on second reading. The motion passed on a vote of 7-0.

There was a motion made by Council Member Morrison and seconded by Mayor Pro Tem Cole to approve Division three on second reading with the following amendments and direction. The motion passed on a vote of 6-0 vote. Council Member Martinez was off the dais. Direction was given to staff to work with Travis County and come back with a recommendation on how to consider the managed growth agreements in the extraterritorial jurisdiction.

The amendment was to replace Section 25-1-553 with the following.

"Section 25-1-553 Managed Growth Agreements.

(A) This section provides a voluntary mechanism to request longer project expiration periods than those established under Section 25-1-552 (Expiration of Projects Begun On or After June 1, 2014) for large-scale projects or projects located within a planned development center.

(B) To be accepted for review, an application for a proposed managed growth agreement must include all information required by the director, including a proposed expiration date, and must meet the requirements of this subsection.

(1) An application for a managed growth agreement may be submitted concurrent with the first permit application, or before the review period expires, if the project associated with the proposed agreement:

- (a) is filed for review under current regulations;
 - (b) does not require a variance approved by the Land Use Commission or Board of Adjustment, unless project is limited to residential uses that do not require a site plan under Section 25-5-2 (Exemptions);
 - (c) includes only property located within the zoning jurisdiction, outside of the Barton Springs Zones; and
 - (d) includes at least 150 acres of land.
- (2) An application for a managed growth agreement may be submitted after approval of the first permit application, but no later than one year before the project expires, if the project associated with the proposed agreement:
 - (a) complies with the regulations in effect on the date the application for a managed growth agreement was submitted or, in extraordinary circumstances, includes community benefits or superior development features that mitigate noncompliance with current regulations;
 - (b) does not require a variance approved by the Land Use Commission or Board of Adjustment, unless the project is limited to residential uses that do not require a site plan under Section 25-5-2 (Exemptions);
 - (c) includes only property located within the zoning jurisdiction, outside of the Barton Springs Zone; and
 - (d) does not impede or delay official City of Austin economic development or sustainability initiatives.
- (C) If an application meets the requirements in Subsection (B) of this section, the director shall:
 - (1) schedule a public hearing on the proposed agreement and provide notice of the hearing under Section 25-1-132(B) (Notice of Public Hearing); and
 - (2) make a recommendation to approve or deny the agreement based on whether the project:
 - (a) requires a longer period of time to construct than the timeframes established under Section 25-1-552 (Expiration of Projects Begun On or After June 1, 2014);
 - (b) furthers the goals and policies of the Imagine Austin Comprehensive Plan; and
 - (c) is environmentally superior to the minimum standards applicable to the project under Chapter 25-8 (Environment), as determined based on a recommendation from the environmental officer.
- (D) The city council may approve or deny a proposed managed growth agreement based on the criteria in Subsection (C) of this section and may establish whatever expiration period the council deems appropriate, but may not waive or modify current regulations applicable to the project.
- (E) If a managed growth agreement is approved under this section, the director shall treat the project as vested to the regulations in effect on the date of the first application until the date the agreement expires.”

There was an amendment made by Council Member Spelman and seconded by Council Member Riley to strike Section 25-1-553(B)(1)(d) from the amendment to Division three with a friendly amendment and direction. There was a friendly amendment made by Council Member Riley to amend the “150 acres” to “10 acres”. The friendly amendment was accepted by the maker of the amendment. Direction was given to staff to address language on phasing. The amendment passed on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. Council Member Martinez was off the dais.

There was an amendment made by Council Member Morrison and seconded by Council Member Spelman to replace Subsection (D) of Section 25-1-536 with the following. The amendment passed on a vote of 6-0. Council Member Martinez was off the dais.

“(D) 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):

- (1) the project expires one year after the date the application was submitted; or**
- (2) if a permit application is submitted before the fair notice application expires, the project expires on the date applicable to the permit under this section, except that the project expiration period shall be deemed to run from the date of the fair notice application.”**

There was an amendment made by Council Member Spelman and seconded by Council Member Riley to amend Section 25-1-552, pages 10 and 11 of the ordinance, delete subsections (B), (C), (E), (F), and (G) and add new Subsections (B) and (C) to read as follows. This amendment was later withdrawn by Council Member Spelman.

“(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):

- (1) the project expires one year after the date the application was submitted; or**
- (2) if a permit application is submitted before the fair notice application expires, the project expires on the date applicable to the permit under this section, except that the project expiration period shall be deemed to run from the date 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).”**

There was an amendment made by Council Member Morrison and seconded by Council Member Spelman to include language to put vested rights applications on the website as well as determinations in a timely manner. The amendment passed on a vote of 7-0.

Direction was given to the staff to discuss changing the language from “date of approval” to “date of submittal” with Travis County.

ZONING DISCUSSION ITEMS

66. NPA-2014-0007.01 - 1005 Prairie Trail - Conduct a public hearing and approve an ordinance amending Ordinance No. 000629-106, the North Austin Civic Association Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 1005 Prairie Trail (Little Walnut Creek Watershed) from Single Family to Mixed Use land use. Staff Recommendation: To deny Mixed Use land use. Planning Commission Recommendation: To deny Mixed Use land use. Owner/Applicant: Minh-Tu Ngoc Doan. City Staff: Maureen Meredith, 512-974-2695.

The public hearing was conducted and the motion to close the public hearing and deny the change to the land use designation on the future land use map (FLUM) was approved on Council Member Martinez’ motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

67. C14-2014-0026 - 1005 Prairie Trail - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1005 Prairie Trail (Little Walnut Creek Watershed) from single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: To deny general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Planning Commission Recommendation: To deny general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Owner/Applicant: Minh Doan. City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and the motion to close the public hearing and deny the rezoning request was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman was off the dais.

77. Conduct a public hearing and 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.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20140522-077 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

There was a friendly amendment made by Council Morrison to have staff to go to the Downtown Commission and then to the Planning commission to have discussions and bring recommendations to Council. The amendment was accepted by the maker of the motion and Council Member Spelman, who made the second.

78. Conduct a public hearing and consider third reading of an ordinance amending City Code Title 25 to allow placement of accessible ramps in required yard setbacks and to exclude accessible ramps from impervious cover calculations.

There was a motion made by Council Member Tovo and seconded by Council Member Morrison to approve the ordinance.

There was a friendly amendment made by Council Member Riley to amend the first sentence of Subsection (H) to have it read: "(H) A ramp for a new or an existing single-family or duplex residential unit may be constructed in a required yard if:" The amendment was not accepted by the maker of the motion.

There was an amendment made by Council Member Riley and seconded by Council Member Spelman to amend the first sentence of Subsection (H) to have it read: "(H) A ramp for a new or an existing single-family or duplex residential unit may be constructed in a required yard if:" The amendment 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.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20140522-078 with the amendment listed above was approved on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote.

79. Conduct a public hearing and consider an ordinance adopting the local standards of care for the Parks and Recreation Department's youth recreation programs.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20140522-079 was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 9:05 p.m. without objection.

The minutes were approved on this the 12th day of June, 2014 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.