

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, JANUARY 12, 2012**

**Invocation:** Pastor A. L. Sneed, II, Pastor, South Austin Community Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, January 12, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:05 a.m.

**CONSENT AGENDA**

1. Approve the minutes of the Austin City Council work session of December 13, 2011, special called meeting of December 14, 2011 and regular meeting of December 15, 2011.  
**The minutes from the Council work session of December 13, 2011, special called meeting of December 14, 2011 and regular meeting of December 15, 2012 were approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
2. Approve issuance of a rebate to Unified Housing of Austin LLC for performing duct diagnostic and improvements at the Limestone Canyon Apartments in an amount not to exceed \$84,895.  
**The motion to approve the issuance of a rebate to Unified Housing of Austin LLC was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
3. Approve issuance of a rebate to CWS Caprock Bridge LP for performing duct diagnostic and improvements at the Marquis at Caprock Canyon Apartments in an amount not to exceed \$121,916.  
**The motion to approve the issuance of a rebate to CWS Caprock Bridge LP was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
4. Approve issuance of a rebate to Great Hills Marquis Apartments LP for performing duct diagnostic and improvements at the Marquis at Great Hills Apartments in an amount not to exceed \$151,424.  
**The motion to approve the issuance of a rebate to Great Hills Marquis Apartments LP was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
5. Approve issuance of a rebate to Austin Monterey Oaks Inc. for performing duct diagnostic and improvements at The Park at Monterey Oaks Apartments in an amount not to exceed \$58,382.  
**The motion to approve the issuance of a rebate to Austin Monterey Oaks Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

**Items 6 and 7 were pulled for discussion.**

8. Authorize the negotiation and execution of a lease agreement with the United States Transportation Security Administration for administrative office and support space at the Austin-Bergstrom International Airport for a term of five years commencing on February 28, 2012.  
**The motion authorizing the negotiation and execution of a lease agreement with the United States Transportation Security Administration was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
9. Approve the appointment of Assistant City Manager Sue Edwards to the Board of Directors of Austin-Bergstrom Landhost Enterprises, Inc., to replace Chief Financial Officer Leslie Browder.  
**The motion to approve the appointment of Assistant City Manager Sue Edwards to the Board of Directors of Austin Bergstrom Landhost Enterprises, Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
10. Approve an ordinance accepting \$100,000 pursuant to an Interlocal Contract with the Capital Area Council of Governments for Public Safety Answer Point Maintenance, Equipment Upgrade, and Training; and amend the Fiscal Year 2011-2012 Communications and Technology Management Capital Budget (Ordinance No. 20110912-006) to appropriate \$100,000 for the purchase of hardware and related services, support, and training to replace the 9-1-1 recording system at the Combined Transportation Emergency Communication Center.  
**Ordinance No. 20120112-010 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
11. Authorize execution of a construction contract with EXCEL CONSTRUCTION SERVICES, LLC of Leander, TX, for the Lockheed Shafts and Lateral Repair Project in the amount of \$2,253,000 plus a \$225,300 contingency, for a total contract amount not to exceed \$2,478,300.  
**This item was withdrawn on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
12. Authorize execution of a construction contract with MALDONADO NURSERY & LANDSCAPING, INC., (MBE/MH-56.10%), San Antonio, TX, for a landscaping and irrigation system at the Mueller Substation in an amount not to exceed \$130,050.07.  
**The motion authorizing the execution of a construction contract with Maldonado Nursery & Landscaping, Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
13. Authorize execution of change order #5 to the construction contract with CAPITAL EXCAVATION COMPANY, Austin, TX for the Rio Grande Street from West Martin Luther King, Jr. Boulevard to 24th Street Reconstruction and Utility Adjustments Project, an ACCELERATE AUSTIN PROJECT, in the amount of \$143,805.32, for a total contract amount not to exceed \$4,761,909.74.  
**The motion authorizing the execution of change order number five to the construction contract with Capital Excavation Company was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
14. Authorize negotiation and execution of an amendment to the professional services agreement with the following eight firms: MCKINNEY YORK ARCHITECTS (WBE/FW), Austin, TX; THE LAWRENCE GROUP, Austin, TX; HPA, LLP dba hatch + ulland owen architects, Austin, TX; LIMBACHER and GODFREY ARCHITECTS (WBE/FW), Austin, TX; CASABELLA ARCHITECTS (MBE/MH), Austin, TX; COTERA + REED ARCHITECTS (MBE/MH), Austin, TX; JACKSON GALLOWAY ASSOCIATES, PLLC (MBE/MH), Austin, TX; STUDIO 8 ARCHITECTS, INC. (MBE/MH), Austin, TX to provide architectural services for the Architectural Services Rotation List 2009-2011 Rotation List, for the years 2011 through 2012 or until financial authorization is expended, in the amount of \$1,600,000 in additional authorization, for a total contract amount not to exceed amount of \$5,600,000.

**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with McKinney York Architects (WBE/FW); The Lawrence Group HPA, LLP doing business as hatch + ulland owen architects; Limbacher and Godfrey Architects (WBE/FW); Casabella Architects (MBE/MH); Cotera + Reed Architects (MBE/MH); Jackson Galloway Associates, PLLC (MBE/MH); and Studio 8 Architects, Inc. (MBE/MH) was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

15. Approve an ordinance regarding the Austin Downtown Public Improvement District (PID) 2012 assessments and levying 2012 assessments.  
**Ordinance No. 20120112-015 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
16. Authorize negotiation and execution of an amendment to the redesign, fabrication and installation agreement with Cliff Garten (dba Cliff Garten and Associates, Inc./Cliff Garten Studio) for the Zachary Scott Theatre Art in Public Places project in an amount not to exceed \$12,700.  
**The motion authorizing the negotiation and execution of an amendment to the redesign, fabrication and installation agreement with Cliff Garten doing business as Cliff Garten and Associates, Inc./Cliff Garten Studio was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
17. Approve an ordinance amending the Fiscal Year 2011-2012 Economic Growth and Redevelopment Services Office Operating Budget Special Revenue Fund Ordinance No. 20110912-005 to adopt a budget for the Austin Downtown Public Improvement District, with a beginning balance of \$196,914, revenue of \$2,849,757, and requirements of \$2,849,757.  
**Ordinance No. 20120112-017 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
18. Authorize negotiation and execution of the renewal and amendment of an Interlocal Agreement between the City and the Travis County Healthcare District to provide ground emergency medical services to the District's eligible Medical Assistance Program beneficiaries for a fee of \$364,000 for a term of one year beginning on October 1st, 2011 and ending on September 30th, 2012.  
**The motion authorizing the negotiation and execution of the renewal and amendment of an interlocal agreement between the City and the Travis County Healthcare District was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
19. Authorize negotiation and execution of Amendment No. 1 to the Agreement with the AFRICAN AMERICAN MEN AND BOYS HARVEST FOUNDATION, INC., Austin, TX, to increase funding for programs that enhance the quality of life for African American youth and families in an amount not to exceed \$60,000 and extend the contract period to September 30, 2012 for a total contract amount not to exceed \$210,000, with two 12-month renewal options in an amount not to exceed \$60,000 per option, for a total contract amount not to exceed \$330,000.  
**The motion authorizing the negotiation and execution of amendment number one to the agreement with the African American Men and Boys Harvest Foundation, Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
20. Approve negotiation and execution of contracts for community-based primary medical care with the following three providers of HIV-related services under the Ryan White Part C HIV Early Intervention grant: CENTRAL TEXAS COMMUNITY HEALTH CENTERS, INC., for a 12-month term beginning January 1, 2012, with four 12-month renewal options in an amount not to exceed \$473,427 for the initial 12-month term and each renewal option, for a total contract amount not to exceed \$2,367,135; AIDS SERVICES OF AUSTIN, INC., for a 12-month term beginning January 1, 2012, with four 12-month renewal options in an amount not to exceed \$152,940 for the initial 12-month term and each renewal option, for a total contract amount not to exceed \$764,700; and COMMUNITY ACTION OF CENTRAL

TEXAS, INC., for a 12-month term beginning January 1, 2012, with four 12-month renewal options in an amount not to exceed \$71,221 for the initial 12-month term and each renewal option, for a total contract amount not to exceed \$356,105.

**The motion authorizing the negotiation and execution of contracts for community based primary medical care with Central Texas Community Health Centers, Inc; AIDS Services of Austin, Inc.; and Community Action of Central Texas, Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

21. Approve an ordinance authorizing acceptance of \$225,101 in grant funds from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION (HRSA); and amending the Fiscal Year 2011-2012 Health and Human Services Department Operating Budget Special Revenue Fund Ordinance No. 20110912-005 to appropriate \$225,101 for the Ryan White Part A HIV Emergency Relief Project and Minority AIDS Initiative (MAI) Grant Program that provides medical and supportive services to people with the human immunodeficiency virus.

**Ordinance No. 20120112-021 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

22. Approve an ordinance authorizing acceptance of \$408,235 in grant funds from the TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, HOMELESS HOUSING AND SERVICES PROGRAM; and amending the Fiscal Year 2011-2012 Health and Human Services Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$408,235 for the delivery of homeless services.

**Ordinance No. 20120112-022 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

23. Approve negotiation and execution of renewals of and amendments to the existing contracts with the following four providers of HIV core medical and support services under the Ryan White HIV/AIDS Part A Grant Program, all for one-year terms ending February 28, 2012: AIDS SERVICES OF AUSTIN, INC. in an amount not to exceed \$184,789, for a total contract amount not to exceed \$1,148,363; PROJECT TRANSITIONS, INC. in an amount not to exceed \$30,354, for a total contract amount not to exceed \$100,354; CENTRAL TEXAS COMMUNITY HEALTH CENTER, in an amount not to exceed \$4,737, for a total contract amount not to exceed \$1,674,489; and THE WRIGHT HOUSE WELLNESS CENTER, in an amount not to exceed \$3,207, for a total contract amount not to exceed \$139,273.

**The motion authorizing the negotiation and execution of renewals of and amendments to the existing contracts with AIDS Services of Austin, Inc.; Project Transitions, Inc.; Central Texas Community Health Center; and the Wright House Wellness Center was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

24. Approve negotiation and execution of contract amendments to existing contracts with the following two providers to increase funding for HIV services under the HIV Emergency Relief Project Grant: AIDS SERVICES OF AUSTIN, INC., in an amount not to exceed \$57,840, for a total contract amount not to exceed \$463,942, for a one-year term ending February 28, 2012; and WRIGHT HOUSE WELLNESS CENTER, in an amount not to exceed \$1,548, for a total contract amount not to exceed \$513,297, for a one-year term ending February 28, 2012.

**The motion authorizing the negotiation and execution of contract amendments to existing contracts with AIDS Services of Austin, Inc. and Wright House Wellness Center was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

25. Authorize negotiation and execution of an Agreement with the AFRICAN AMERICAN MEN AND BOYS HARVEST FOUNDATION, INC., Austin, TX, to hold a series of African American Men and Boys Conferences during the 2011- 2012 school year at selected AISD middle and high schools, an

amount not to exceed \$75,000 through September 30, 2012, with two 12-month renewal options in an amount not to exceed \$75,000 per option, for a total contract amount not to exceed \$225,000.

**The motion authorizing the negotiation and execution of an agreement with the African American Men and Boys Harvest Foundation, Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

26. Approve a resolution adopting the recommendations of the Joint Subcommittee of the Austin Independent School District, City of Austin and Travis County regarding the joint adoption of a literacy campaign, and authorizing the purchase of services from the Literacy Coalition of Texas in an amount not to exceed \$23,350.

**This item was withdrawn on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

27. Authorize the negotiation and execution of all documents necessary or desirable to acquire an approximate 3,658 square foot wastewater line easement and an approximate 4,445 square foot temporary working space easement out of the Isaac Decker League, Survey No. 20, Abstract No. 8, in the City of Austin, Travis County, Texas, locally known as 811 Barton Springs Road, from T-C BARTON SPRINGS, LLC, for the Austin Clean Water Program - Govalle 1-South 2nd Street Reroute - Phase I Wastewater Improvement Project, in an amount not to exceed \$205,000.

**The motion authorizing the negotiation and execution of all documents necessary or desirable to acquire a wastewater line easement and temporary working space easement was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

28. Authorize the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land totaling approximately 9,771 square feet, out of lots 2 and 3 and a portion of a 20-foot-wide alley as vacated by the City of Austin in Ordinance number 73 0628-A, of record in Volume 4685, page 1629, Deed Records, Travis County, Texas, Block 37, original City of Austin, Travis County, Texas, located at 706 and 708 East 4th Street, from LION OUTDOOR, LLC, for the Waller Creek Tunnel Project, in an amount not to exceed \$814,000.

**The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land from Lion Outdoor, LLC was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

29. Authorize the negotiation and execution of all documents and instruments necessary or desirable for the fee simple acquisition of Lots 2 through 18, Block 4, Bergstrom Downs No. 1, a subdivision in Travis County, Texas, and a 2.994 acre tract of land, more or less, out of the Santiago Del Valle Grant in Travis County, Texas, locally known as 701 Patton Avenue and 600 Jet Lane, from GRACE LEHTO A/K/A GRACE I. LEHTO A/K/A GRACE IRENE LEHTO for the Airport Noise Mitigation Program, in the amount of \$223,000 for the land and improvements and \$13,280 in relocation benefits, plus eligible closing costs and moving related expenses not to exceed \$10,000, for an amount not to exceed \$246,280.

**The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable for the fee simple acquisition from Grace Lehto also known as Grace I. Lehto also known as Grace Irene Lehto was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

30. Authorize the negotiation and execution of a Parkland Improvement Agreement between the City of Austin and Zilker Theatre Productions, a Texas non-profit corporation, for the donation of architectural and engineering services to the City and management of the procurement and construction of improvements to the Zilker Hillside Theater in Zilker Park, in an amount not to exceed \$175,000.

**The motion authorizing the negotiation and execution of a parkland improvement agreement between the City of Austin and Zilker Theatre Productions was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

31. Approve an ordinance on second and third readings amending Chapter 25-12, Article 1 of the City Code (Building Code) related to the requirements for a bed and breakfast establishment.  
**Ordinance No. 20120112-031 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
32. Approve ratification of an emergency purchase with MATOUS CONSTRUCTION, LTD, Belton, TX for the purchase and installation of two blowers at the South Austin Regional Wastewater Treatment Plant for the Austin Water Utility in an amount not to exceed \$1,235,989.  
**The motion to ratify an emergency purchase with Matous Construction, Ltd. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
33. Authorize award and execution of a 36-month supply agreement with COMMUNITY TRUCKING, LLC, Cedar Park, TX, to provide delivered crushed rock for the Watershed Protection Department in an amount not to exceed \$239,301 with three 12-month extension options in an amount not to exceed \$79,767 per option, for a total contract amount not to exceed \$478,602.  
**The motion authorizing the award and execution of a supply agreement with Community Trucking, LLC was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
34. Authorize award, negotiation, and execution of a 12-month requirements service contract with BIBLIOCOMMONS, INC., Canada or with the other qualified respondent to RFP MSO0058 to provide software, installation, and training services for a discovery layer on top of the City of Austin Public Library's existing catalog, in an amount not to exceed \$94,200 with four 12-month extension options in an amount not to exceed \$67,571, \$71,186, \$75,065 and \$79,231 respectively, for a total estimated contract amount not to exceed \$387,253.  
**The motion authorizing the award, negotiation and execution of a requirements service contract with Bibliocommons, Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
35. Authorize award and execution of a contract with ANIXTER INC., Austin, TX for the purchase of 200,000 feet of 48 strand single-mode fiber optic cable in an amount not to exceed amount of \$90,900.00.  
**The motion authorizing the award, negotiation and execution of a contract with Anixter Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
36. Authorize award, negotiation, and execution of a 12-month agreement through the State of Texas General Services Administration cooperative purchasing program with FORRESTER RESEARCH, INC., Cambridge, MA to provide licenses for access to technology research and analysis in an amount not to exceed \$55,658. Recommended by the Water and Wastewater Commission  
**The motion authorizing the award, negotiation and execution of an agreement through the State of Texas General Services Administration cooperative purchasing program with Forrester Research, Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
37. Authorize award, negotiation, and execution of a 12-month service agreement through the State of Texas Department of Information Resources (DIR) cooperative purchasing program with GARTNER INC., STAMFORD, CT, to provide subscription-based information technology executive focused technology research and analysis in an amount not to exceed \$71,114.  
**The motion authorizing the award, negotiation and execution of a service agreement through the State of Texas Department of Information Resources (DIR) cooperative purchasing program with Gartner Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

38. Authorize award and execution of Amendment No. 3 to a 48-month contract with GINNY'S COPYING SERVICES, INC., Austin, TX for printing services for the Watershed Protection Department, for the remaining two 12-month extension options in an estimated amount not to exceed \$25,000, for a revised total estimated contract amount not to exceed \$168,750.  
**The motion authorizing the award and execution of amendment number three to a contract with Ginny's Copying Services, Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
39. Authorize award and execution of Amendment No. 1 to a 24-month contract with TXI OPERATIONS, LP, Austin, TX for fine aggregate (washed concrete sand) and coarse aggregate (concrete river gravel) for the Public Works Department, for the remaining two additional 12-month extension options in an estimated amount not to exceed \$32,000, for a revised total estimated contract amount not to exceed \$128,000.  
**The motion authorizing the award and execution of amendment number one to a contract with TXI Operations, LP was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
40. Authorize award and execution of Amendment No. 11 to add the final year of funding to a lease agreement through the Texas Local Government Purchasing Cooperative (BuyBoard) with IKON OFFICE SOLUTIONS INC., Austin, TX to provide for the lease of copiers for the Aviation Department in an estimated amount not to exceed \$35,000, for a total revised contract amount not to exceed \$175,211.64.  
**The motion authorizing the award and execution of amendment number eleven to add the final year of funding to a lease agreement through the Texas Local Government Purchasing Cooperative (BuyBoard) with Ikon Office Solutions, Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
41. Authorize award and execution of Amendment No. 3 to a 48-month contract with APAC-TEXAS, INC., Round Rock, TX for washed filter sand for the Watershed Protection Department in an estimated amount not to exceed \$33,000, with one additional 12-month extension option in an estimated amount not to exceed \$33,000, for a revised total estimated contract amount not to exceed \$206,250.  
**The motion authorizing the award and execution of amendment number three to a contract with APAC-Texas, Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
42. Authorize award and execution of Amendment No. 1 to a 36-month contract with CENTEX MATERIALS, LLC, Austin, TX for flexible base materials for street maintenance in an estimated amount not to exceed \$15,950, with two additional 12-month extension options in an estimated amount not to exceed \$15,950 per option, for a revised total estimated contract amount not to exceed \$95,700.  
**The motion authorizing the award and execution of amendment number one to a contract with Centex Materials, LLC was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
43. Authorize award and execution of a contract with LIGHTHOUSE SOLAR AUSTIN, Austin, TX, for the installation of solar photovoltaic (PV) systems at seven City of Austin locations in an estimated amount not to exceed \$223,715.  
**The motion authorizing the award and execution of a contract with Lighthouse Solar Austin was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
44. Authorize award and execution of a contract with ALFRED CONHAGEN, INC. OF TEXAS, La Marque, TX, or one of the other qualified offerors to RFP No. DKC0029, to rebuild a feedwater pump at Austin Energy's Sand Hill Energy Center in an estimated amount not to exceed \$135,025.

**The motion authorizing the award and execution of a contract with Alfred Conhagen, Inc. of Texas was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

45. Authorize award and execution of a 12-month requirements supply contract with GENERAL ELECTRIC COMPANY dba GE Multilin U.S., Burnaby, BC, Canada for the purchase of JungleMUX equipment for Austin Energy and Communications & Technology Management in an estimated amount not to exceed \$675,160, with four 12-month extension options in an estimated amount not to exceed \$474,173 for the first extension option, \$733,120 for the second extension option, \$419,209 for the third extension option, and \$177,273 for the fourth extension option; for a total estimated contract amount not to exceed \$2,478,935.

**The motion authorizing the award and execution of a requirements supply contract with General Electric Company doing business as GE Multilin U.S. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

46. Authorize award and execution of a 8-month requirements contract through The Cooperative Purchasing Network with O'REILLY AUTOMOTIVE, INC., Springfield, MO, for the purchase of automotive batteries and parts in an estimated amount not to exceed \$151,000, with three 12-month extension options in estimated amounts not to exceed \$271,000 for the first extension option, \$325,000 for the second extension option, and \$389,800 for the third extension option, for a total estimated contract amount not to exceed \$1,136,800.

**The motion authorizing the award and execution of a requirements contract through the Cooperative Purchasing Network with O'Reilly Automotive, Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

47. Authorize award and execution of Amendment No. 1 to a contract with RALPH RIOJAS ENTERPRISES, Austin, TX, for courier services for Municipal Court to exercise the first extension option in the amount of \$14,240, with two additional 12-month extension options in an amount not to exceed \$14,240 per option, for a revised total estimated contract amount not to exceed \$85,440.

**The motion authorizing the award and execution of amendment number one to a contract with Ralph Riojas Enterprises was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

48. Authorize award, negotiation, and execution of a 12-month contract through the STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (DIR) with TIME WARNER TELECOM through the cooperative purchasing program, Austin, TX, for the purchase of telecommunications and internet services at the Austin-Bergstrom International Airport in an estimated amount not to exceed \$90,000 with four 12-month extension options in an estimated amount not to exceed \$90,000 per option, for an estimated total not to exceed contract amount of \$450,000.

**The motion authorizing the award, negotiation and execution of a contract through the State of Texas Department of Information Resources (DIR) with Time Warner Telecom through the cooperative purchasing program was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

**Item 49 was pulled for discussion.**

50. Authorize award and execution of Amendment No. 1 to a requirements service contract with SHERRY MATTHEWS ADVOCACY MARKETING, Austin, TX for social marketing and media services for the Live-Tobacco Free Austin campaign in an estimated amount not to exceed \$1,000,000, for a revised total contract amount not to exceed \$3,842,594.

**The motion authorizing the award and execution of amendment number one to a requirements service contract with Sherry Matthews Advocacy Marketing was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**



51. Authorize award and execution of a 36-month requirements supply contract with TEXAS ELECTRIC COOPERATIVES, Georgetown, TX for the purchase of creosote treated wood utility poles for Austin Energy in an estimated amount not to exceed \$1,505,196 with three 12-month extension options in an estimated amount not to exceed \$501,732 per extension option, for a total estimated contract amount not to exceed \$3,010,392.  
**The motion authorizing the award and execution of a requirements supply contract with Texas Electric Cooperatives was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
52. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with ROCKFORD BUSINESS INTERIORS, Austin, TX, for the purchase and installation of modular and free standing system furniture at the Economic Growth and Redevelopment Office's Entrepreneur Center in an amount not to exceed \$81,020.97.  
**The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Rockford Business Interiors was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
53. Authorize award and execution of a 36-month requirements supply agreement with ENNIS PAINT INC., Ennis, Texas, for yellow and white thermoplastic marking material in an amount not to exceed \$1,264,500 with three 12-month extension options in an amount not to exceed \$421,500 for each option, for a total contract amount not to exceed \$2,529,000  
**The motion authorizing the award and execution of a requirements supply agreement with Ennis Paint Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
54. Authorize award and execution of a 36-month requirements supply agreement with ENNIS PAINT INC., Ennis, TX, for Traffic Paint for the Austin Transportation Department and Aviation Department in an amount not to exceed \$513,964.50 with three 12-month extension options in an amount not to exceed \$171,321.50 for each option, for a total contract amount not to exceed \$1,027,929.  
**The motion authorizing the award and execution of a requirements supply agreement with Ennis Paint Inc. was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

**Items 55 through 57 were pulled for discussion.**

58. Approve a resolution repealing and replacing Resolution No. 20071108-127 requiring compliance with the standards and principles of the City's Minority-Owned and Women-Owned Business Enterprise Procurement Program in third party agreements for the construction of public improvements or improvements of City real property, including developer participation agreements, economic development agreements, ground leases, and other third party agreements.  
**Resolution No. 20120112-058 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
59. Approve an ordinance adding Section 12-5-42 to the City Code relating to parking in a back-in angle parking only zone; and establishing a fine.  
**Ordinance No. 20120112-059 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
60. Authorize negotiation and execution of a 12-month Interlocal Agreement between the City of Austin and TEXAS STATE UNIVERSITY AT SAN MARCOS for a study on the effects of wastewater treatment effluent on freshwater mussels in a central Texas stream, with three 12-month extension options, for \$20,000 for the first year and \$20,000 per extension, for a total contract amount not to exceed \$80,000.

**The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Texas State University at San Marcos was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

61. 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 Morrison's motion, Council Member Riley's second on a 7-0 vote.**

#### Nominations

##### Board/Nominee

##### Nominated by

Commission on Immigrant Affairs  
 James Kuhr

Council Member Riley

Community Development Commission  
 Cassandra Taylor

Council Member Spelman

Design Commission  
 Hope Hasbrouck

Council Member Spelman

Library Commission  
 Sharon Kahn

Council Member Tovo

Solid Waste Advisory Commission  
 Cathy Gattuso  
 James Nortey

Council Member Morrison  
 Mayor Pro Tem Cole

#### Nominations to Task Forces

Comprehensive Plan Citizens Advisory Task Force  
 Greg Bourgeois

Council

#### Nominations to Intergovernmental Bodies

Approve a resolution reappointing Mayor Pro Tem Cole to the Lone Star Rail District Board of Directors for a two-year term.

**Resolution No. 20120112-061 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

#### Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Roland Hayes', Charles Miles' and Allen Weeks' service on the Comprehensive Plan Citizens Advisory Task Force. The waiver includes absences through today's date.

62. Approve a resolution directing the City Manager and the City Clerk to implement an electronic mail system for boards and commission members and to establish an appropriate online training module. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison)

**Resolution No. 20120112-062 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

63. Approve a resolution extending the deadline for the City Manager and the Joint Subcommittee of the Resource Management Commission, the Water and Wastewater Commission, and the Impact Fee Advisory Committee to present recommendations for short-term and long-term financial plans to strengthen the financial stability of the Austin Water Utility, and clarifying and expanding the scope of the original resolution passed September 1, 2011. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley )

**Resolution No. 20120112-063 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

64. Approve a resolution directing the City Manager to consult with Austin school districts regarding the potential expansion of the Educational Impact Statement program to add districts not included in the existing program and consider actions necessary to incorporate the assessments into the process for code amendments, policy proposals, and development permitting. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO 2: Mayor Lee Leffingwell)

**Resolution No. 20120112-064 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

65. Approve a resolution directing the City Manager to provide recommendations for implementation and enforcement strategies for a \$100.00 clean-up fee and to prepare the necessary ordinance to establish the fee. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo )

**This item was withdrawn, to be re-posted on January 26, 2012 on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

66. Approve an ordinance amending Ordinance 20100225-052 to establish a peak-hour surcharge. Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)

**This item was withdrawn, to be re-posted on January 26, 2012 on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

**Items 67 and 68 were pulled for discussion.**

69. Approve a resolution directing the City Manager to review where to locate electric vaults with a premium to be placed on pedestrian-oriented ground-floor uses and a consideration of alternate internal placements. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Chris Riley CO 2: Council Member William Spelman)

**Resolution No. 20120112-069 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

70. Approve a resolution directing the Waterfront Planning Advisory Board to provide recommendations on a development bonus program. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez)

**Resolution No. 20120112-070 was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

71. Approve the waiver of certain fees and requirements for the Volunteer Healthcare Clinic's Volunteer Appreciation Banquet sponsored by the Volunteer Healthcare Clinic which is to be held on Wednesday, May 11, 2012 at the Emma S. Barrientos Mexican American Cultural Center. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez )

**The motion to approve the waiver of certain fees and requirements for the Volunteer Healthcare Clinic's Volunteer Appreciation Banquet sponsored by the Volunteer Healthcare Clinic was**

**approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

72. Approve the waiver of certain fees and requirements under City Code Chapter 14-8, and authorize payment of certain costs for the City co-sponsored 2012 Martin Luther King Jr. parade which is to be held Monday, January 16, 2012. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Mike Martinez CO 2: Mayor Lee Leffingwell)  
**The motion to approve the waiver of certain fees and requirements and authorize payment of certain costs for the City co-sponsored 2012 Martin Luther King Jr. parade was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**
73. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 for the 2012 CASA Superhero Run 5K and Kids 1K sponsored by the Court Appointed Special Advocates which is to be held on Sunday, September 30, 2012 at the Mueller Development site. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo)  
**The motion to approve the waiver of certain fees and requirements for the 2012 CASA Superhero Run 5K and Kids 1K was approved on consent on Council Member Morrison's motion, Council Member Riley's second on a 7-0 vote.**

**Item 74 was pulled for discussion.**

Item 75 was a briefing item set for 10:30 a.m.

Items 76 and 77 were Executive Session items.

Items 78 through 102 were zoning items set for 2:00 p.m.

Items 103 through 107 were public hearing items set for 4:00 p.m.

### **DISCUSSION ITEMS**

55. Authorize award and execution of two 24-month requirements supply contracts for the purchase of street light lamps for Austin Energy with: FACILITY SOLUTIONS GROUP, Austin, TX, in an estimated amount not to exceed \$252,795 with three 12-month extension options in an estimated amount not to exceed \$126,398 per extension option, for a total estimated contract amount not to exceed \$631,989, and with CRAWFORD ELECTRIC SUPPLY CO., Austin, TX, in an estimated amount not to exceed \$46,804, with three 12-month extension options in an estimated amount not to exceed \$23,402 per extension option, for a total estimated contract amount not to exceed \$117,010. The amount for all street light lamps required under these contracts will be for a total combined estimated amount not to exceed \$748,999.  
**The motion authorizing the award and execution of two requirements supply contracts for the purchase of street light lamps for Austin Energy with Facility Solutions Group and Crawford Electric Supply Co. was approved on Council Member Tovo's motion, Council Member Spelman's second on a 7-0 vote.**
67. Approve a resolution directing the City Manager to draft an Aquatic Facilities Comprehensive Master Plan. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)  
**Resolution No. 20120112-067 was approved on Council Member Morrison's motion, Council Member Tovo's second on a 7-0 vote.**

**Items 6, 56, and 57 were acted on in a combined motion.**

6. Approve an ordinance authorizing acceptance of \$900,000 in American Recovery and Reinvestment Act (ARRA) grant funds from the U.S. Department of Energy (DOE) through the Texas Department of Housing and Community Affairs (TDHCA) as the administering agency, and amending the Fiscal Year 2011-2012 Austin Energy Operating Budget Special Revenue Fund of Ordinance No. 20110912-005 to appropriate \$900,000 for weatherization of homes for low-income, elderly, and disabled customers within Austin Energy's service area. Related to Items 56 and 57.

**Ordinance No. 20120112-006 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

56. Authorize award, negotiation and execution of Amendment No. 5 to nine requirements service contracts with A-PLUS ENERGY MANAGEMENT & A/C, Austin, TX; AMERICAN CONSERVATION & AIR, Austin, TX; APPLE ENERGY GROUP, LLC, Austin, TX; ATS ENGINEERING & INSPECTORS (WBE/FW), Austin, TX; CITY CONSERVATION, Austin, TX; MCCULLOUGH HEATING & AIR CONDITIONING, INC., Austin, TX; CONSTANT ENERGY SOLUTIONS, LLC, Spring, TX; THE INSTITUTE FOR BUILDING TECHNOLOGY AND SAFETY, Herndon, VA; and THE NELROD COMPANY, Fort Worth, TX, to increase the contract for weatherization test in audit services in an estimated combined contract amount not to exceed \$67,500, for a revised estimated combined contract amount not to exceed \$1,040,000. Related to Items 6 and 57.

**The motion authorizing the award, negotiation and execution of amendment number five to nine requirements service contracts with A-Plus Energy Management & A/C; American Conservation & Air; Apple Energy Group, LLC; ATS Engineering & Inspectors (WBE/FW); City Conservation; McCullough Heating & Air Conditioning, Inc.; Constant Energy Solutions, LLC; The Institute for Building Technology and Safety; and The Nelrod Company was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

57. Authorize award and execution of Amendment No. 3 to nine requirements service contracts with A-PLUS ENERGY MANAGEMENT & A/C, Austin, TX; AMERICAN CONSERVATION & AIR, Austin, TX; APPLE ENERGY GROUP, LLC, Austin, TX; ATS ENGINEERING & INSPECTORS, Austin, TX; CITY CONSERVATION, Austin, TX; MCCULLOUGH HEATING & AIR CONDITIONING, INC., Austin, TX; CONSTANT ENERGY SOLUTIONS, LLC, Spring, TX; THE INSTITUTE FOR BUILDING TECHNOLOGY AND SAFETY, Herndon, VA; and THE NELROD COMPANY, Fort Worth, TX, to increase the contract for weatherization test out audit services in an estimated combined contract amount not to exceed \$50,000, for a revised estimated combined contract amount not to exceed \$478,000. Related to Items 6 and 56.

**The motion authorizing the award and execution of amendment number three to nine requirements service contracts with A-Plus Energy Management & A/C; American Conservation & Air; Apple Energy Group, LLC; ATS Engineering & Inspectors; City Conservation; McCullough Heating & Air Conditioning, Inc.; Constant Energy Solutions, LLC; The Institute for Building Technology and Safety; and The Nelrod Company was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

## **BRIEFINGS**

75. Briefing by the US Postal Service on the US Post Office - Downtown Austin.  
**The presentation was made by Sandy Rybicki, Real Estate Specialist for the United Postal Service.**

## **DISCUSSION ITEMS CONTINUED**

7. Approve Service Extension Request No. 3037 for water service for Sinno and Associates Ltd., the owner of Foundation Retail Development located within the Drinking Water Protection Zone and within the City's 2-mile extra-territorial jurisdiction at 11101 N. FM 620, to serve a retail development (22,230 square feet of retail) with an estimated peak hour flow of 29 gallons per minute.

The motion to approve service extension request number 3037 for water service for Sinno and Associates Ltd. was approved on Council Member Riley's motion, Mayor Leffingwell's second 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.

49. Authorize execution of a 6-month requirements supply contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD) with GULF COAST PAPER COMPANY, Corpus Christi, TX, for janitorial supplies in an amount not to exceed \$840,000 with no extension options.

The motion authorizing the execution of a requirements supply contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Gulf Coast Paper Company was approved on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 6-0 vote. Council Member Spelman was off the dais.

#### CITIZEN COMMUNICATIONS: GENERAL

Bob Batlan- The rate increase for Austin Energy

Philip Greene- Water quality

Darcy Bloom- Concerns

John Bush- Free speech issues

Brian Bowers- Short term rentals. **Was not present when name was called.**

David Orshalick- New City website evaluation

Alfred Krebs- The proposed electricity rate increase

Allison Schultz- Lack of pedestrian bridges and lighted crosswalks in South Austin

Rae Nadler-Olenick- Water fluoridation

Johnette Mason- Stop ADA violations at Austin Public Library. More services for on-line students.

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:48 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.

76. Discuss legal issues related to Open Government matters (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
77. Discuss legal issues related to Cause No. D-1-GN-09-004161; Chandler, et al. v. The City of Austin, Texas; In the District Court of Travis County, Texas, 353rd Judicial District (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:30 p.m.

**DISCUSSION ITEMS CONTINUED**

68. Approve a resolution directing the City Manager to temporarily suspend the code amendment process that has been initiated relating to short term rentals and directing the City Auditor to initiate a study of short term rentals. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Chris Riley) There was a main motion made by Council Member Spelman and seconded by Council Member Riley to approve the resolution with the following friendly amendments and direction to staff.

Direction was given by Council Member Spelman to instruct staff to bring the Planning Commission recommendation back to the City Council as soon as the information has been received from the city auditor.

There was a friendly amendment to the main motion offered by Mayor Pro Tem Cole to insert the following in the "BE IT FURTHER RESOLVED" clause:

"Immediate implementation of improved collection procedures as set forth by the City Auditor including: a.) communication and coordination between City departments (Controller, Code, and Planning and Development Review); b.) accessibility of the Hotel Occupancy Tax (HOT) reporting form on the City's website; and c.) language in proposed updates to the (HOT) Ordinance that clarifies requirements for Short Term Rentals; and lastly, d.) the City Auditor is directed to continue with their ongoing (HOT) audits."

The friendly amendment to the main motion was accepted by the maker of the main motion and the second.

There was a friendly amendment to the main motion offered by Council Member Tovo to replace the existing "BE IT RESOLVED" and "BE IT FURTHER RESOLVED" with the following:

**"BE IT RESOLVED**

The City Manager is directed to continue the code amendment process that has been initiated relating to short term rentals; and

**BE IT FURTHER RESOLVED**

The City Auditor is directed to initiate a review of short term rentals in the northern portion of the 78704 zip code and return with an update to Council no later than March 1, 2012. The review should include:

1. a review and analysis of the number and general locations of short term rentals within this specific geographic area, conducted in collaboration with neighbors and industry professionals who have access or who have compiled data on this subject; and

**BE IT FURTHER RESOLVED**

The City Manager is directed to provide the number and type of 311 and 911 calls for service as well as police and code compliance citations at STR locations within this specific geographic location versus the number and type of citations for the neighborhood area generally. The City Manager should return with an update to Council no later than March 1, 2012."

The friendly amendment to the main motion was not accepted by the maker of the main motion.

There was a friendly amendment to the main motion offered by Council Member Tovo to insert "conducted in collaboration with neighbors and industry professionals who have access or who have compiled data on this subject" into the ordinance.

The friendly amendment to the main motion was accepted by the maker of the main motion and the second.

There was a substitute motion made by Council Member Tovo and seconded by Council Member Morrison accepting Mayor Pro Tem Cole's friendly amendment as listed above and replacing the "BE IT RESOLVED" and "BE IT FURTHER RESOLVED" with the following:

**"BE IT RESOLVED**

The City Manager is directed to continue the code amendment process that has been initiated relating to short term rentals; and

**BE IT FURTHER RESOLVED**

The City Auditor is directed to initiate a review of short term rentals in the northern portion of the 78704 zip code and return with an update to Council no later than March 1, 2012. The review should include:

1. a review and analysis of the number and general locations of short term rentals within this specific geographic area, conducted in collaboration with neighbors and industry professionals who have access or who have compiled data on this subject; and

**BE IT FURTHER RESOLVED**

The City Manager is directed to provide the number and type of 311 and 911 calls for service as well as police and code compliance citations at STR locations within this specific geographic location versus the number and type of citations for the neighborhood area generally. The City Manager should return with an update to Council no later than March 1, 2012."

There was a friendly amendment to the substitute motion offered by Council Member Morrison to add Mayor Pro Tem Cole's friendly amendment as listed above and amend the "BE IT FURTHER RESOLVED" read as follows:

The first paragraph of the first "BE IT FURTHER RESOLVED" should read, "The City Auditor is directed to initiate a review of short term rentals in the northern portion of the 78704 zip code plus an additional zip code or area as selected by the auditor and return with an update to Council no later than March 1, 2012, if feasible. The review should include:"

The last "BE IT FURTHER RESOLVED" should read, "The City Manager is directed to provide the number and type of 311 and 911 calls for service as well as police and code compliance citations to all known STR locations within this specific geographic location versus the number and type of citations for the neighborhood area generally. The City Manager should return with an update to Council no later than March 1, 2012."

The friendly amendment to the substitute motion was accepted by the maker of the substitute motion and offered by the second.

Mayor Pro Tem Cole gave direction to the City Manager to work with the auditor's office and the Austin Police Department (APD) to provide the following information to Council by March 1, 2012: based on the auditor's work, determine the primary areas where STRs are located; compare this information to where we are having the most code compliance or police complaints; and relate this information to the current assignment of code enforcement officers and APD.

The substitute motion failed on a 2-5 vote. 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.

The main motion to adopt Ordinance No. 20120112-068 with the following amendments and directions was approved on Council Member Spelman's motion, Council Member Riley's second on



a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

The main motion includes Mayor Pro Tem Cole's friendly amendment to insert the following in the "BE IT FURTHER RESOLVED" clause. "Immediate implementation of improved collection procedures as set forth by the City Auditor including: a.) communication and coordination between City departments (Controller, Code, and Planning and Development Review); b.) accessibility of the Hotel Occupancy Tax (HOT) reporting form on the City's website; and c.) language in proposed updates to the (HOT) Ordinance that clarifies requirements for Short Term Rentals; and lastly, d.) the City Auditor is directed to continue with their ongoing (HOT) audits."

There was a friendly amendment to the main motion offered by Council Member Spelman to have the first "BE IT RESOLVED" read, "The City Manager is directed to postpone final action on the code amendment process that has been initiated relating to short term rentals"

The friendly amendment to the main motion was offered by the maker of the main motion and accepted by the second.

There was a friendly amendment to the main motion offered by Council Member Riley to have section one of the first "BE IT FURTHER RESOLVED" read as follows.

"1. a review and analysis of the number and general locations of short term rentals, distinguishing those short term rentals where the homeowner lives on site from those where the homeowner does not live on site. For those instances in which the homeowner does not live on site, the review should include some analyses of patterns regarding the distances between the locations of the rentals and their owners."

The friendly amendment to the main motion was accepted by the maker of the main motion and offered by the second.

There was a friendly amendment to the main motion offered by Council Member Spelman to add to the end of the last sentence of the second "BE IT FURTHER RESOLVED" the following language to the "BE IT FURTHER RESOLVED:"

"review analyses be conducted in collaboration with neighbors and industry professionals who have access or who have compiled data on this subject"

The friendly amendment to the main motion was offered by the maker of the main motion and accepted by the second.

There was a friendly amendment to the main motion offered by Council Member Tovo to add to the end of the last sentence of the second "BE IT FURTHER RESOLVED" "report back by April 12, 2012".

The friendly amendment to the main motion was accepted by the maker of the main motion and the second.

74. Set a public hearing to consider an ordinance amending the electric rate schedule in Ordinance No. 20110912-007 to implement new Austin Energy electric rates. (Suggested date and time: January 26, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set for February 2, 2012 at 6:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote. Staff was directed to post a discussion item for the Work Session on January 24, 2012

concerning an additional public hearing on the electric rate schedule to be held at a different location.

### **ZONING CONSENT ITEMS (PUBLIC HEARINGS)**

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

78. NPA-2011-0015.01 - Southern Walnut Creek Hike and Bike Trail - Conduct a public hearing and approve an ordinance amending Ordinance No. 20021107-Z-11 of the East MLK Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 6406 Garden Drive (Walnut Creek Watershed) from Mixed Residential and Mixed Use to Recreation/Open Space land use. Staff Recommendation: To grant Recreation/Open Space land use on the FLUM. Planning Commission Recommendation: To grant Recreation Open/Space land use. Applicant/Owner: City of Austin, Parks and Recreation Department. Agent: Greg Montes, Senior Planner, Parks and Recreation Department. City Staff: Maureen Meredith, 974-2695.  
**This item was postponed on consent to February 2, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
79. C14-2011-0086 - Southern Walnut Creek Hike & Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6406 Garden View Drive from family residence-neighborhood plan (SF-3-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Applicant: City of Austin Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye 974-7604.  
**This item was postponed on consent to February 2, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
80. NPA-2011-0016.01 - Southern Walnut Creek Hike and Bike Trail - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12 of the Govalle/Johnston Terrace Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 5702 1/2 Jain Lane (Boggy Creek Watershed) from Single Family and Civic to Recreation/Open Space land use. Staff Recommendation: To grant Recreation/Open Space land use on the FLUM. Planning Commission Recommendation: To grant Recreation Open/Space land use. Applicant/Owner: City of Austin, Parks and Recreation Department. Agent: Greg Montes, Senior Planner, Parks and Recreation Department. City Staff: Maureen Meredith, 974-2695.  
**This item was postponed on consent to February 2, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
81. C14-2011-0082 - Southern Walnut Creek Hike & Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5707 1/2 Jain Lane from family residence-neighborhood plan (SF-3-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Applicant: City of Austin Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye 974-7604.  
**This item was postponed on consent to February 2, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
82. NPA-2011-0016.02 - Southern Walnut Creek Hike and Bike Trail - Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12 of the Govalle/Johnston Terrace Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 5509 - 5609 Stuart Circle (Boggy Creek Watershed) from Single Family and

Water to Recreation/Open Space land use. Staff Recommendation: To grant Recreation/Open Space land use. Planning Commission Recommendation: To grant Recreation Open/Space land use. Applicant/Owner: City of Austin, Parks and Recreation Department. Agent: Greg Montes, Senior Planner, Parks and Recreation Department. City Staff: Maureen Meredith, 974-2695.

**This item was postponed on consent to February 2, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

83. C14-2011-0083 - Southern Walnut Creek Hike & Bike Trail - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5200 Bolm Road and 5509-5609 Stuart Circle from family residence-neighborhood plan (SF-3-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Applicant: City of Austin Parks and Recreation Department (Gregory Montes). City Staff: Stephen Rye 974-7604.  
**This item was postponed on consent to February 2, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

84. NPA-2011-0023.01 - 6500 Manor Road - Conduct a public hearing and approve an ordinance amending Ordinance No. 20070809-55, the University Hills/Windsor Park Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 6500 and 6502 Manor Road (Little Walnut Creek Watershed) from Office land use to Neighborhood Mixed Use land use. Staff Recommendation: To grant Neighborhood Mixed Use land use. Planning Commission Recommendation: To be reviewed January 10, 2012. Owner/Applicant: Kennie and Mildred Sneed. City Staff: Maureen Meredith, 974-2695.  
**This item was postponed on consent to February 2, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

85. C14-2011-0087 - 6500 Manor Road - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6500 Manor Road (Little Walnut Creek Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to general commercial services-neighborhood plan (CS-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on January 10, 2012. Owner/Applicant: Sneed Realtors (Mildred and Kennie Sneed). City Staff: Wendy Rhoades, 974-7719.  
**This item was postponed on consent to February 2, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

86. C14-01-0046.01 - Hyde Park NCCD Amendment #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by amending ordinance number 020131-20, the Hyde Park Neighborhood Conservation Combining District generally bounded by East 45th Street to the north, 38th Street to the south, Guadalupe Street to the west, and Duval Street to the east (Waller Creek Watershed) from neighborhood conservation combining district (NCCD) district zoning to neighborhood conservation combining district (NCCD) district zoning, to change certain conditions of zoning. Staff Recommendation: To grant neighborhood conservation combining district (NCCD) district zoning, to change certain conditions of zoning. Planning Commission Recommendation: To grant neighborhood conservation combining district (NCCD) district zoning, to change certain conditions of zoning. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Clark Patterson, 974-7691.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120112-086 for neighborhood conservation neighborhood plan (NCCD-NP) combining district zoning, to change certain conditions of zoning was approved on consent on Mayor Pro Tem**

**Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman recused himself.**

87. C14-04-0196.03 - North Hyde Park NCCD Amendment # 3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by amending ordinance number 20050818-064, the North Hyde Park Neighborhood Conservation Combining District generally bounded by 51st Street to the north, 45th Street to the south, Guadalupe Street to the west, and Red River Street to the east (Waller Creek Watershed) from neighborhood conservation combining district-neighborhood plan (NCCD-NP) combining district zoning to neighborhood conservation combining district-neighborhood plan (NCCD-NP) combining district zoning, to change certain conditions of zoning. Staff Recommendation: To grant neighborhood conservation combining district-neighborhood plan (NCCD-NP) combining district zoning, to change certain conditions of zoning. Planning Commission Recommendation: To grant neighborhood conservation combining district-neighborhood plan (NCCD-NP) combining district zoning, to change certain conditions of zoning. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Clark Patterson, 974-7691.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120112-087 for neighborhood conservation combining district-neighborhood plan (NCCD-NP) combining district zoning, to change certain conditions of zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Spelman recused himself.**

88. C14-2011-0016 - Helms Condominiums - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 201 East 34th 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-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on February 14, 2012. Applicant/Agent: Farzad Bozorgmehr. City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent to March 22, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

89. C14-2011-0047 - 801 S. Lamar - Conduct a public hearing and approve an ordinance amending Chapter 25-2- of the Austin City Code by rezoning property locally known as 801 South Lamar Boulevard from family residence (SF-3) district zoning to general commercial services-vertical mixed use building (CS-V) combining district zoning. Staff Recommendation: To grant general commercial services-vertical mixed use building (CS-V) combining district zoning. Planning Commission Recommendation: To grant general commercial services-vertical mixed use building (CS-V) combining district zoning. Applicant: 801 Ltd., (Daryl Kunik). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye 974-7604.

**The public hearing was conducted and the motion to close the public hearing and adopt the ordinance on first reading for general commercial services-vertical mixed use building (CS-V) combining district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

90. C14-2011-0055 - Kessler Zoning Change - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12502 Tomanet Trail (Walnut Creek Watershed) from single family residence-large lot (SF-1) district zoning to neighborhood office-mixed use (NO-MU) combining district zoning. Staff Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To forward to City Council without a recommendation. Owner/Applicant: Illan David Kessler. City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was conducted and the motion to close the public hearing and adopt the ordinance on first reading for neighborhood office-mixed use-conditional overlay (NO-MU-CO)**

**combining district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

91. C14-2011-0065 - The Austin Hotel - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 and 804 Congress Avenue (Town Lake Watershed) from central business district (CBD) and central business district-historic landmark (CBD-H) combining district zoning to central business district-central urban redevelopment district (CBD-CURE) combining district zoning and central business district-historic landmark-central urban redevelopment district (CBD-H-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment district (CBD-CURE) combining district zoning and central business district-historic landmark-central urban redevelopment district (CBD-H-CURE) combining district zoning. Planning Commission Recommendation: To be reviewed on January 10, 2012. Applicant: Gone to Texas Capital One, L.P. (David Kahn); The Karotkin Family Real Estate Trust (Doris Karotkin, Trustee). Agent: Winstead, P.C. (Michele Haussmann). City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent to February 2, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

94. C14-2011-0143 - 8115 Altoga Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8115 Altoga Drive (Walnut Creek Watershed) from interim-rural residence (I-RR) zoning to limited industrial (LI) zoning. Staff Recommendation: To grant limited industrial-conditional overlay (LI-CO) combining district zoning. Planning Commission Recommendation: To approve limited industrial-conditional overlay (LI-CO) combining district zoning in accordance with staff recommendation. Owner/Applicant: LY Holding Co., Inc. (Xuan Ly) Agent: Thrower Design (Ron Thrower). City Staff: Heather Chaffin, 974-2122.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120112-094 for limited industrial-conditional overlay (LI-CO) combining district zoning in accordance with staff recommendation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote. The staff recommendation stated the conditional overlay would limit development to less than 2,000 vehicle trips per day.**

95. C14-2011-0144 - Govalle Tunnel Centralized Odor Control Facility - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801-821 Patton Avenue (Carson Creek Watershed) from family residence (SF-3) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Owner/Applicant: City of Austin Public Works Department (Jonathan Thompson). Agent: Parsons Corporation (Monica Suarez). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120112-095 for public (P) district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

96. C14-2011-0145 - Govalle Tunnel Centralized Odor Control Facility - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 818-826 Patton Avenue (Carson Creek Watershed) from family residence (SF-3) district zoning, multi-family residence-low density (MF-2) district zoning and multi-family residence-medium density (MF-3) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Owner/Applicant: City of Austin Public Works Department (Jonathan Thompson). Agent: Parsons Corporation (Monica Suarez). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120112-096 for public (P) district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

97. C14-2011-0148 - 620 JMJ Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 14926 North FM 620 Road (Lake Creek Watershed) from development reserve (DR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on January 17, 2012. Owner/Applicant: 620 JMJ, Ltd. (John Barizza). Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Sherri Sirwaitis, 974-3057.

**This item was postponed on consent to January 26, 2012 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

98. C14-2011-0151 - North Mopac Liquor Store - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12407 North Mopac Expressway Northbound, Unit 275 (Walnut Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Owner/Applicant: LPC Capital Group, Ltd. (Steve Seitz). Agent: Thrower Design (Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120112-098 for commercial-liquor sales (CS-1) district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

101. C14-2011-0159 - Time Warner Cable Hub - K Station - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 1/2 South 1st Street (East Bouldin Creek Watershed) from family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning to neighborhood office-neighborhood plan (NO-NP) combining district zoning. Staff Recommendation: To grant neighborhood office-neighborhood plan (NO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood office-neighborhood plan (NO-NP) combining district zoning. Applicant: Texas School for the Deaf (Gary Bego). Agent: Axiom Engineers, Inc. (Nicole Folta Findeisen). City Staff: Stephen Rye, 974-7604.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120112-101 for neighborhood office-neighborhood plan (NO-NP) combining district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote. Staff noted an error in the posted address. The correct address is 801 1/2 South 1<sup>st</sup> Street.**

**There was a motion by Council Member Spelman, second by Council Member Morrison to table item 107 until 6:00 p.m.**

#### **ZONING DISCUSSION ITEMS CONTINUED**

92. C14-2011-0093 - The Grove - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3707 Manchaca Road (West Bouldin Creek Watershed) from limited office (LO) district zoning and multi-family residence-low density (MF-2) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-medium density (MF-3 -CO) combining district zoning. Planning Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning for Tract 1, multi-family residence-low density-conditional overlay (MF-2-CO) for Tract 2 and multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 3. Applicant: FHB Forest Apartments, LP. Agent: WFA Austin (Scott Wuest). City Staff: Stephen Rye, 974-7604.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120112-092 for limited office-conditional overlay (LO-CO) combining district zoning for**

**Tract 1, multi-family residence-low density-conditional overlay (MF-2-CO) for Tract 2 and multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning for Tract 3 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

#### **PUBLIC HEARINGS AND POSSIBLE ACTION**

106. Conduct a public hearing and consider an ordinance authorizing execution of an Interlocal Agreement between the City of Austin and Austin Independent School District establishing site development standards for the Bowie High School practice fields located at 3700 & 3800 Slaughter Lane, and waiving the requirements of City Code Section 25-1-903(A).

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120112-106 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

#### **ZONING DISCUSSION ITEMS CONTINUED**

99. C14-2011-0153 - Hanover South Lamar 1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 807, 809 and a portion of 811 South Lamar Boulevard (West Bouldin Creek Watershed) from community commercial-mixed use-vertical mixed use building-conditional overlay (GR-MU-V-CO) combining district zoning, family residence (SF-3) district zoning, community commercial-vertical mixed use building (GR-V) and rural residence (RR) district zoning to multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-highest density-conditional overlay (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-highest density (MF-6-CO) combining district zoning. Applicant: Lamar Building Partners, LP (Thomas Rogers). Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson-Lynch). City Staff: Stephen Rye, 974-7604.

**The public hearing was conducted and the motion to close the public hearing and adopt the ordinance on first reading for multi-family residence-highest density (MF-6-CO) combining district zoning was approved on Council Member Morrison's motion, Council Member Tovo's second on a 7-0 vote.**

100. C14-2011-0154 - Hanover South Lamar 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 903 and 905 South Lamar Boulevard (West Bouldin Creek Watershed) from family residence (SF-3) district zoning and community commercial-conditional overlay (GR-CO) combining district zoning to multi-family residence-highest density (MF-6-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-highest density (MF-6-CO) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-highest density (MF-6-CO) combining district zoning. Applicant: Fine Art Services, Inc. (John Traber), SOLA Management, LLC. (Daryl Kunik). Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson-Lynch). City Staff: Stephen Rye, 974-7604.

**The public hearing was conducted and the motion to close the public hearing and adopt the ordinance on first reading for multi-family highest density (MF-6-CO) combining district zoning was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0.**

93. C14-2011-0136 - Traywick 3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2105 and 2107 West Slaughter Lane, and 2109 Riddle Road (Slaughter Creek Watershed) from single family residence-standard lot (SF-2) district zoning and limited office-conditional overlay (LO-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Staff Recommendation: To grant general office-mixed use-conditional overlay (GO-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 grant general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning for Tract 1 and limited office-mixed use-conditional overlay (LO-MU-CO) combining district zoning for Tract 2. Owner/Applicant: THS, LLC (Randall Traywick). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was conducted and the motion to close the public hearing and adopt the ordinance on first reading for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning with a 2000 trip limitation, neighborhood commercial (LR) uses limited to general retail sales convenience and restaurant limited and permitting all general office (GO) uses was approved on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Leffingwell recused himself.**

102. C14H-2011-0001 - Shoal Creek Houses - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 623 and 702 Wood Street (Shoal Creek Watershed) from multi-family residence-medium density (MF-3) district zoning to multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning. Historic Landmark Commission Recommendation: To grant multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning. Applicant: Historic Landmark Commission. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was conducted and the motion to close the public hearing and adopt the ordinance on first reading for multi-family residence-medium density-historic landmark (MF-3-H) combining district zoning was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.**

#### **PUBLIC HEARINGS AND POSSIBLE ACTION**

103. Conduct a public hearing and consider an ordinance setting the East 6th Street Public Improvement District (PID) 2012 assessment roll and levying 2012 assessments.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120112-103 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

104. Conduct a public hearing and approve a resolution to consider the permanent use of approximately 2,027 square feet of land for construction, use, maintenance, repair, and replacement of the existing electric transmission lines for the Seaholm District Redevelopment and the new Central Library Project through dedicated parkland known as Town Lake Shoal Beach and the Shoal Creek Greenbelt, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code.

**This was withdrawn without objection to be re-posted on January 26, 2012.**

105. Conduct a public hearing and consider an ordinance regarding floodplain variances requested by the owners, Bryan Treat and Paige Reynolds, to convert the existing garage into a living area at the single-family house at 5506 Windward Drive, which is in the 25-year and 100-year floodplains of Fort Branch Creek.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120112-105 was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.**

**The Mayor recessed the Council Meeting at 5:32 p.m. for Live Music and Proclamations.**

#### **LIVE MUSIC**



C J Vinson

**PROCLAMATIONS**

Proclamation -- Harmony Public Schools Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Debby McClure, students, teachers and administrators

**The Mayor called the Council Meeting back to order at 6:17 p.m.**

**The motion to waive the rules and continue the Council Meeting passed 10 p.m. was approved on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.**

107. Conduct a public hearing to receive public comments on Austin Energy's proposed electric rates.  
**The public hearing was conducted and will be continued to February 2, 2012.**

**Mayor Leffingwell adjourned the meeting at 11:22 p.m. without objection.**

**The minutes for the regular meeting of January 12, 2012 were approved on this the 26th day of January 2012 on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell was absent.**