



AUSTIN CITY COUNCIL
MINUTES

REGULAR MEETING
THURSDAY, MAY 24, 2012

Invocation: Army Chaplain Craig Combs

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 24, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:23 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of April 17, 2012, budget hearing of April 18, 2012, Austin Energy work session of April 19 and 23, 2012, work session of April 24, 2012, regular meeting of April 26, 2012, Austin Energy work session of April 30, 2012, and budget work sessions of May 2 and 9, 2012. Recommended by the Electric Utility Commission.
The minutes from the City Council work session of April 17, 2012, budget hearing of April 18, 2012, Austin Energy work session of April 19, 23 and 30, 2012, work session of April 24, 2012, regular meeting of April 26, 2012, and budget work sessions of May 2 and 9, 2012 were approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
2. Approve an ordinance amending the Fiscal Year 2011-2012 Austin Energy Operating Budget (Ordinance No. 20110912-005) to decrease the Austin Energy Operating Fund Ending Balance by \$1,630,000 and increase the transfer to the Conservation Rebates and Incentives Fund by \$1,630,000, and amend the Conservation Rebates and Incentives Fund to increase the transfer from the Austin Energy Operating Fund by \$1,630,000. Recommended by the Electric Utility Commission.
Ordinance No. 20120524-002 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
3. Approve issuance of a rebate to Greystar Real Estate Partners, LLC for performing energy efficiency improvements at Monterone at Steiner Ranch Apartments in an amount not to exceed \$129,711.
The motion to approve the issuance of a rebate to Greystar Real Estate Partners, LLC was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
4. Authorize negotiation and execution of an amendment to the wholesale wastewater service agreement between the City of Austin and the City of West Lake Hills allowing wholesale wastewater service to be

provided to new commercial development located within the City of West Lake Hills without increasing the level of service specified in the agreement.

The motion authorizing the negotiation and execution of an amendment to the wholesale wastewater service agreement between the City of Austin and the City of West Lake Hills was approved on consent on Council Member Morrison's motion, Council Member Spelman'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.

5. Authorize negotiation and execution of a 12-month Interlocal Agreement with the University of Texas School of Architecture (UT) to jointly fund a summer student internship at the City's Balcones Canyonlands Preserves with a cost to the City not to exceed \$3,500 and contribution from UT's Kent S. Butler Memorial Excellence Fund in an amount not to exceed \$3,500 (total contract amount not to exceed \$7,000).

The motion authorizing the negotiation and execution of an interlocal agreement with the University of Texas School of Architecture was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

6. Authorize negotiation and execution of a master lease with Austin CONRAC, LLC to construct, maintain, and operate the CONRAC facility for the operation of rental car concessions at Austin-Bergstrom International Airport.

The motion authorizing the negotiation and execution of a master lease with Austin Conrac, LLC was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

7. Authorize negotiation and execution of revenue producing agreements with rental car companies to operate rental car concessions at a consolidated rental car facility at Austin-Bergstrom International Airport.

The motion authorizing the negotiation and execution of revenue producing agreements with rental car companies was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

8. Authorize the city clerk to terminate the campaign treasurer appointments of inactive candidates and inactive political committees.

The motion authorizing the City Clerk to terminate the campaign treasurer appointments of inactive candidates and inactive political committees was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

9. Authorize execution of change order #3 to the construction contract with CASH CONSTRUCTION COMPANY, INC., for the West 34th Street from Shoal Creek Bridge to West Avenue Street Reconstruction and Utility Improvements Project, an ACCELERATE AUSTIN PROJECT, in the amount of \$232,200 for a total contract amount not to exceed \$3,604,103. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 8.87% MBE and 1.30% WBE subcontractor participation to date.)

The motion authorizing the execution of change order number three to the construction contract with Cash Construction Company, Inc. was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

10. Authorize execution of a construction contract with MCLEAN CONSTRUCTION INC., for the Group 19 Phase 1 Street Reconstruction and Utility Adjustments Project, a 2010 Bond Program and ACCELERATE AUSTIN PROJECT, in the amount of \$4,383,999.50 plus a \$219,199.97 contingency, for a total contract amount not to exceed \$4,603,199.47. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Business Enterprise

Procurement Program) by meeting the goals with 20.33% MBE and 2.37% WBE subcontractor participation.)

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

11. Authorize negotiation and execution of an amendment to the professional services agreement with PARSONS BRINCKERHOFF AMERICAS, INC., for engineering services for the IH-35 Corridor Development Program, a 2010 MOBILITY BOND PROJECT, in the amount of \$1,200,000 for a total contract amount not to exceed \$2,253,000. Related to Item #45. (Notes: This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 8.82% MBE and 22.51% WBE subconsultant participation to date.)

The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Parsons Brinckerhoff Americas, Inc. was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Item 12 and 13 was set for a time certain of 6:30 p.m.

14. Approve an ordinance amending Ordinance Nos. 20081211-028 and 20091119-033 to increase the geographic boundaries of the Seaholm Redevelopment Project Tax Increment Financing Zone No. 18, City of Austin, Texas, and to amend the Final Project and Financing Plan, board appointments, and term of the zone.

Ordinance No. 20120524-014 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Items 15 and 16 were pulled for discussion.

17. Approve an ordinance amending City Code Chapter 10-2 (Emergency Medical Services) related to regulations for non-emergency medical transfer service providers. Related to Item #105.

Ordinance No. 20120524-017 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

18. Approve a resolution to amend Resolution No. 20120405-054, relating to analysis of all current contracts for services and all current temporary City of Austin employees for purposes of reporting on outsourcing of public sector jobs, extending the deadline to the City Manager from June 28, 2012 to October 1, 2012.

Resolution No. 20120524-018 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

19. Authorize negotiation and execution of a legal services agreement with The Law Offices of Ken Ramirez, PLLC for legal representation, advice, and counsel concerning Austin's water rights and water supply, including regulatory matters involving the Colorado River, the Lower Colorado River Authority, and the Texas Commission on Environmental Quality, and contractual matters relating to raw water supply, for an amount not to exceed \$100,000.

The motion authorizing the negotiation and execution of a legal services agreement with The Law Offices of Ken Ramirez, PLLC was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Item 20 was pulled for discussion.

21. Approve an ordinance vacating 85,342 square feet of a public roadway easement, dedicated by separate instrument, out of the Santiago Del Valle Ten League Grant, Abstract No. 24 in the City of Austin, save

and except the public utility easement dedicated by the same instrument, recorded in Volume 3819, Page 2395, Travis County Deed Records, to Xbiotech USA, Inc.

Ordinance No. 20120524-021 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Item 22 was set for a time certain of 6:00 p.m.

Item 23 was pulled for discussion.

24. Authorize the negotiation and execution of all documents and instruments necessary or desirable to purchase the property located at 600 East Riverside Drive, Austin, Travis County, Texas, from GARWALD COMPANY, INC. and the deposit of \$200,000 in refundable earnest money for the transaction, for a total earnest money deposit in an amount not to exceed \$250,000.

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase the property from Garwald Company, Inc. was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

25. Approve a resolution directing the City Manager to include a partial exemption from ad valorem taxes for certain historically-designated properties in budget calculations for the coming year; to provide this resolution to the Austin Independent School District; and to prepare an ordinance approving these partial exemptions to be considered by Council concurrently with the annual tax levy.

Resolution No. 20120524-025 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

26. Approve an ordinance authorizing execution of a contract agreement (with a temporary five-year conservation easement) for grant funds from the Texas Historical Commission for award of \$7,600 to rehabilitate the roof on a historic building in the City of Austin's Oakwood Cemetery Annex; accepting \$7,600 in grant funds from the Texas Historical Commission, and amending the Fiscal Year 2011-2012 Planning and Development Review Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$7,600 to rehabilitate the roof on a historic building in the City of Austin's Oakwood Cemetery Annex.

Ordinance No. 20120524-026 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

27. Approve an ordinance authorizing acceptance of \$4,412 in funds from Save Austin's Cemeteries and amending the Fiscal Year 2011-2012 Planning and Development Review Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$4,412 to rehabilitate the roof on a historic building in the City of Austin's Oakwood Cemetery Annex.

Ordinance No. 20120524-027 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Item 28 was pulled for discussion.

29. Approve an ordinance authorizing the negotiation and execution of a Managed Growth Agreement with MacMora LTD, for the 2.37 acre tract located at 10625 MacMora Rd, known as the MacMora II Cottage site plan, SP-2007-0479C (XT).MGA.

Ordinance No. 20120524-029 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

30. Approve an ordinance authorizing the negotiation and execution of a Managed Growth Agreement with Riata Vista L.P., for the 38.68 acre tract located at 5501 and 5401 W. Parmer Lane, known as Riata Vista Office Complex, SP-2007-0454C (XT2).MGA.

Ordinance No. 20120524-030 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

31. Approve an ordinance authorizing a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 1 ("MUD"); annexing for limited purposes approximately 188 acres; and establishing interim zoning designations for the annexed area
Ordinance No. 20120524-031 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-1 vote. Council Member Riley voted nay.
32. Approve an ordinance authorizing a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 2 ("MUD"); annexing for limited purposes approximately 475 acres; and establishing interim zoning designations for the annexed area
Ordinance No. 20120524-032 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-1 vote. Council Member Riley voted nay.
33. Approve an ordinance authorizing a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 3 ("MUD"); annexing for limited purposes approximately 563 acres; and establishing interim zoning designations for the annexed area
Ordinance No. 20120524-033 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-1 vote. Council Member Riley voted nay.
34. Approve an ordinance authorizing a Strategic Partnership Agreement ("SPA") between the City of Austin and the Southeast Travis County Municipal Utility District 4 ("MUD"); annexing for limited purposes approximately 378 acres; and establishing interim zoning designations for the annexed area
Ordinance No. 20120524-034 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 6-1 vote. Council Member Riley voted nay.
35. Approve an ordinance authorizing a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility District 1 ("MUD"); annexing for limited purposes approximately 340 acres; and establishing interim zoning designations for the annexed area
Ordinance No. 20120524-035 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
36. Approve an ordinance authorizing a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility District 2 ("MUD"); annexing for limited purposes approximately 557 acres; and establishing interim zoning designations for the annexed area
Ordinance No. 20120524-036 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
37. Approve an ordinance authorizing a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility District 3 ("MUD"); annexing for limited purposes approximately 644 acres; and establishing interim zoning designations for the annexed area
Ordinance No. 20120524-037 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
38. Approve an ordinance authorizing a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility District 4 ("MUD"); annexing for limited purposes approximately 346 acres; and establishing interim zoning designations for the annexed area
Ordinance No. 20120524-038 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

39. Approve an ordinance authorizing a Strategic Partnership Agreement ("SPA") between the City of Austin and the Pilot Knob Municipal Utility District 5 ("MUD"); annexing for limited purposes approximately 327 acres; and establishing interim zoning designations for the annexed area.
Ordinance No. 20120524-039 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
40. Authorize application for grant funding in the amount of \$332,707, from the U.S. Department of Justice, Bureau of Justice Assistance, for the 2012 Justice Assistance Grant Program (JAG). The City of Austin will receive \$246,707 and Travis County will receive \$86,000. The City will use its JAG funds to pay for police equipment, supplies, and training.
The motion authorizing the application for grant funding from the U.S. Department of Justice, Bureau of Justice Assistance was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
41. Approve an ordinance accepting \$55,317 in grant funds from the Downtown Austin Alliance; and amending the Fiscal Year 2011-2012 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$55,317 for the Austin Police Department project entitled Downtown Ranger Program.
Ordinance No. 20120524-041 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
42. Authorize the negotiation and execution of an interlocal agreement with Texas State University - San Marcos to reimburse costs of law enforcement services for the FY2012 Texas Tobacco Enforcement Program for a total reimbursement not to exceed \$51,900.
The motion authorizing the negotiation and execution of an interlocal agreement with Texas State University – San Marcos was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
43. Authorize negotiation and execution of a Utility Relocation and Adjustment Agreement between the City of Austin and Atmos Energy Corporation for the Howard Lane from Cameron Road (Harris Branch Parkway) to State Highway 130 project for an amount not to exceed \$1,180,000.
The motion authorizing the negotiation and execution of a Utility Relocation and Adjustment Agreement between the City of Austin and Atmos Energy Corporation was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
44. Authorize negotiation and execution of an interlocal agreement between the City of Austin and the Texas Department of Transportation (TXDOT) for relocation of existing water lines that conflict with the US 290 Intersection Improvements at FM 1826 and Convict Hill Road Project in the amount of \$451,828 plus a \$67,774 contingency, for a total contract amount not to exceed \$519,602.
The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and the Texas Department of Transportation (TXDOT) was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
45. Approve an ordinance authorizing negotiation and execution of an Advance Funding Agreement between the City of Austin and the Texas Department of Transportation that awards the City \$1,200,000 to extend the program limits of the IH35 Corridor Development Program to study mobility improvements; accepting grant funds in the amount of \$1,200,000 from the Texas Department of Transportation; amending the Fiscal Year 2011-2012 Austin Transportation Department Operating Budget Special Revenue Fund (Ordinance No. 20110912-005) to appropriate \$1,200,000; and amending the Fiscal Year 2011-12 Austin Transportation Department Capital Budget (Ordinance No. 20110912-006) to transfer in and appropriate \$1,200,000 from the Austin Transportation Department Operating Budget Special Revenue Fund for the study of mobility improvements. Related to Item #11.

Ordinance No. 20120524-045 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

46. Authorize award and execution of a 36-month requirements supply contract with HANSON PIPE & PRECAST, for the purchase of reinforced concrete pipe for the Watershed Department in an estimated amount not to exceed \$869,751, with three 12-month extension options in an estimated amount not to exceed \$289,917 per extension option, for a total estimated contract amount not to exceed \$1,739,503. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (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 Hanson Pipe & Precast was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

47. Authorize award and execution of a 24-month requirements supply agreement with MUNICIPAL WATER WORKS, for the purchase of PVC water and sewer pipe in an estimated amount not to exceed \$227,504, with two 12-month extension options in an estimated amount not to exceed \$113,752 per extension option, for a total estimated contract amount not to exceed \$455,008. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (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 Municipal Water Works was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

48. Authorize award and execution of a 36-month requirements supply contract with INTERVET INC., dba MERCK ANIMAL HEALTH, to provide microchips, scanners, and an online database for the Austin Animal Center, in an estimated amount not to exceed \$309,400, with three 12-month extension options in estimated amounts not to exceed \$146,880 for the first extension option, \$176,256 for the second extension option, and \$211,508 for the third extension option, for a total estimated contract amount not to exceed \$844,044. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (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 Intervet Inc. doing business as Merck Animal Health was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

49. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with AMC INDUSTRIES, INC. for the purchase of a Rainbird Irrigation System for the Hancock Golf Course for the Parks and Recreation Department in an amount not to exceed \$233,290. (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with AMC Industries, Inc. was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

50. Authorize award and execution of Amendment No. 2 to a contract with BADGER METER, INC., for Badger Meter repair parts for Austin Water Utility, to exercise the first 12-month extension option in an estimated amount not to exceed \$15,000 and add two 12-month extension options in an estimated amount not to exceed \$15,000 per option, for a revised total estimated contract amount not to exceed \$93,750.

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

51. Authorize award and execution of a 36-month requirements supply contract with WENZEL, WENZEL, & ASSOCIATES, for the purchase of rollup traffic signs for use by various City departments in an estimated amount not to exceed \$420,000, with three 12-month extension options in an estimated amount not to exceed \$140,000 per extension option, for a total estimated contract amount not to exceed \$840,000. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (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 Wenzel, Wenzel, & Associates was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

52. Authorize award and execution of Amendment No. 4 to the contract with CAPITAL AREA FOOD BANK, to distribute food to City Neighborhood Centers and Recreation Centers in an amount not to exceed \$13,000, with one additional 12-month extension option in an amount not to exceed \$13,000, for a total contract amount not to exceed \$78,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (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 amendment number four to the contract with Capital Area Food Bank was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

53. Authorize award, negotiation, and execution of a contract with EMA INC., for the purchase of software, implementation and training of the Maximo Work Order and Maintenance Management System in Public Works Street & Bridge Operations in an estimated amount not to exceed \$1,551,860.

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

54. Authorize execution of Amendment No. 5 to a supply agreement through the United States General Services Administration's State and Local Law Enforcement Equipment Procurement Program (1122 Program) with DEFENSE ENERGY SUPPORT CENTER (DESC), for the purchase of aircraft fuel for the Austin Police Department, to extend the contract for one 12-month period in an estimated amount not to exceed \$60,000 and to include five additional 12-month extension options in an estimated amount not to exceed \$60,000, for a revised total estimated amount not to exceed \$712,500. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

The motion authorizing the execution of amendment number five to a supply agreement through the United States General Services Administration's State and Local Law Enforcement Equipment Procurement Program with Defense Energy Support Center was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

55. Authorize award and execution of a 6-month service agreement with FORTBRAND SERVICES, INC., for portable preconditioned aircraft air conditioning and heating unit rental services for the Aviation Department in an amount not to exceed \$65,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (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 service agreement with Fortbrand Services, Inc. was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

56. Authorize the award and execution of Amendment 1 to the contract with HEALTH RESOURCES IN ACTION, to provide a community health assessment and improvement plan for the Health and Human Services Department in an amount not to exceed \$54,500, for total contract amount not to exceed \$109,390.

The motion authorizing the award and execution of amendment one to the contract with Health Resources in Action was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

57. Authorize award, negotiation, and execution of a contract with ZVS-MEDIA, LLC, to provide equipment, software development and systems integration for Public Access Community Television, for a total estimated contract amount not to exceed \$294,244. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (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 contract with ZVS-Media, LLC was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

58. Authorize award and execution of a 36-month requirements supply contract with COVERT FORD LINCOLN, or one of the other qualified bidders for IFB-BV SSC0084, to provide parts for medium and heavy duty Ford trucks for the Fleet Services Department in an amount not to exceed \$393,120 with three 12-month extension options in estimated amounts not to exceed \$186,624 for the first extension option, \$223,949 for the second extension option, and \$268,739 for the third extension option, for a total estimated contract amount not to exceed \$1,072,243. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (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 Covert Ford Lincoln was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

59. Authorize award and execution of a 36-month service agreement with AARON CONCRETE CONTRACTORS, LP, Austin, TX for milling of hot mix asphaltic concrete pavement services for the Public Works Department in an amount not to exceed \$535,800 with three 12-month extension options in an amount not to exceed \$178,600 for each option, for a total contract amount not to exceed \$1,071,600.

The motion authorizing the award and execution of a service agreement with Aaron Concrete Contractors, LP was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

60. Authorize award and execution of three 4-month contracts with ABUNDANT RAIN CHRISTIAN FELLOWSHIP, THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON LATINO COMMUNITIES, AND THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON AFRICAN AMERICAN COMMUNITIES, or other qualified offerors to RFP No. EAG0104, to provide a variety of social services for the Health and Human Services Department beginning June 1, 2012, in an amount not to exceed \$135,000 each and combined. (Notes: These contracts will be awarded in compliance with Chapter 2-9C of the City Code (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 three contracts with Abundant Rain Christian Fellowship, The University of Texas Health Science Center at Houston Latino Communities, and the University of Texas Health Science Center at Houston African American Communities was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

61. Authorize award and execution of a 24-month requirements supply agreement with GENERAL TRAFFIC EQUIPMENT CORPORATION traffic signal heads for the Transportation Department in an amount not to exceed \$118,800 with three 12-month extension options in an amount not to exceed \$59,400 for each option, for a total contract amount not to exceed \$297,000.

The motion authorizing the award and execution of a requirements supply agreement with General Traffic Equipment Corporation was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

62. Authorize award and execution of a contract with KING RANCH TURFGRASS, LP for the purchase, delivery, and installation of Bermuda turf-grass sod and sprigs for the Morris Williams Golf Course for the Parks and Recreation Department in an amount not to exceed \$192,920. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a contract with King Ranch Turfgrass, LP was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

63. Authorize award and execution of a contract with NEESE MATERIALS, INC., for the purchase of golf course greens mix for the Morris Williams Golf Course for the Parks and Recreation Department in an amount not to exceed \$317,818. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

64. Authorize award and execution of a 12-month requirements supply contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with HELENA CHEMICAL COMPANY for the purchase of fertilizer, fungicides, and pesticides to be used by the Golf Division of the Parks and Recreation Department for golf course turf management programs in an estimated amount not to exceed \$200,000 with one 12-month extension option in an amount not to exceed \$200,000, for a total estimated contract amount not to exceed \$400,000. (Notes: This Cooperative Purchase is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (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 Helena Chemical Company was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Item 65 was pulled for discussion.

66. Authorize award and execution of a requirements service contract with AUS-TEX PRINTING AND MAILING, or one of the other qualified bidders for IFB-BV No. JSD0212, to provide printing services for human resources publication materials for the Human Resources Department in an estimated amount not to exceed \$190,000 with three one-year extension options in an estimated amount not to exceed

\$95,000 per extension option, for a total estimated contract amount not to exceed \$475,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award and execution of a requirements service contract with Aus-Tex Printing and Mailing was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

67. Authorize award and execution of a 36-month requirements supply contract with HENRY SCHEIN, BOUND TREE MEDICAL LLC, MIDWEST MEDICAL SUPPLY CO., LLC, SOUTHEASTERN EMERGENCY EQUIPMENT, QUADMED, INC., AND SOUTHERN SAFETY SALES to provide medical supplies in an estimated amount not to exceed \$7,969,997 each and combined, with three 12-month extension options in estimated amounts not to exceed \$3,204,854 for the first extension option each and combined, \$3,525,339 for the second extension option each and combined, and \$3,877,873 for the third extension option each and combined, for a total estimated contract amount not to exceed \$18,578,063 each and combined. (Notes: The contract will be awarded in compliance with Chapter 2-9D of the City Code (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 contracts with Henry Schein, Bound Tree Medical LLC, Midwest Medical Supply Co., LLC, Southeastern Emergency Equipment, Quadmed, Inc. and Southern Safety Sales was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

68. Authorize award, negotiation, and execution of a 60-month professional services requirements contract with AUSTIN/TRAVIS COUNTY SEXUAL ASSAULT NURSE EXAMINER in the amount of \$91,250, JENNIFER PAIGE BLACK, ANNE WILLIAMS MARTIN, MOIRA HELENE FOLEY, CAROLYN DALE, LINDA SIFUENTES, JULIE GIBBS, KATHLEEN GANN, ALLISON MATTHEWS, MARY ALICE WARNER, and other certified nurse examiners as provided by SANE, to provide forensic examinations and evidence collection for sexual assault victims for the Austin Police Department in an estimated total amount not to exceed \$1,831,530 each and combined, with five 12-month extension options in estimated amounts not to exceed \$483,153 for the first extension option each and combined, \$531,468 for the second extension option each and combined, \$584,615 for the third extension option each and combined, \$643,077 for the fourth extension option each and combined, and \$707,384 for the fifth extension option each and combined, for a total estimated contract amount not to exceed \$4,781,227 each and combined. (Notes: This contract will be awarded in compliance with Chapter 2-9B of the City Code (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 professional services requirements contract with Austin/Travis County Sexual Assault Nurse Examiner was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Item 69 was pulled for discussion.

70. Authorize award, negotiation, and execution of a requirements supply agreement with ALTEC INDUSTRIES, INC. for Phase I for the 60-month lease of truck-mounted aerial devices and digger derricks for Austin Energy in an estimated amount not to exceed \$4,253,490, with the option to enter into 60-month agreements for equipment leased in Phases II and III in an estimated amount not to exceed \$3,310,455 and \$3,169,785 respectively, for a total estimated contract amount not to exceed \$10,733,730. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities

were identified; therefore, no goals were established for this solicitation.) Recommended by the Electric Utility Commission.

The motion authorizing the award, negotiation and execution of a requirements supply agreement with Altec Industries, Inc. was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

71. Authorize award and execution of a contract with SYLVANIA LIGHTING SERVICES CORPORATION to provide electric vehicle charging stations for the Fleet Services Department at various locations in an amount not to exceed \$ 283,879. (Notes: This contract will be awarded in compliance with Chapter 2-9 of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a contract with Sylvania Lighting Services Corporation was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
72. Approve an ordinance amending Ordinance No. 20120301-029 to extend the suspension of Atmos Energy Corporation's proposed increase in customer gas rates.
Ordinance No. 20120524-072 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Item 73 was pulled for discussion.

74. Approve first reading of an ordinance renewing a franchise to ABCABCO, Inc., d.b.a. Lone Star Cab Company to operate a taxicab service in the City of Austin for three years.
The first reading of the ordinance was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
75. Authorize negotiation and execution of a Community Facilities Contract with Grayco Partners, LLC, a Texas limited liability company ("Grayco"), regarding the City's cost participation in the realignment and upgrade of a stormwater drainage line along Town Creek Drive and Lake Shore Boulevard to a point within the City's right-of-way north of Lake Shore Boulevard in an amount not to exceed \$450,000.
The motion authorizing the negotiation and execution of a community facilities contract with Grayco Partners, LLC was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
76. 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 Spelman's second on a 7-0 vote.

Board

Nominated By:

Historic Landmark Commission

Dr. Mary Jo Galindo

Mayor Pro Tem Cole

Resolution No. 20120524-076A appointing the City's representatives to the Pilot Knob Municipal Utility Districts' board of directors for districts 1, 2, 3, 4 and 5.

Resolution No. 20120524-076A was approved on Council Member motion, Council Member second on a vote.

Resolution No. 20120524-076B appointing the City's representatives to the Southeast Travis County Municipal Utility Districts' board of directors for districts 1, 2, 3 and 4.

Resolution No. 20120524-076B was approved on Council Member motion, Council Member second on a vote.

Waivers

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for Ramey Ko's service on the Public Safety Commission. The waiver includes absences through today's date.

77. Approve a resolution directing the City Manager to provide recommendations for a comprehensive air quality ordinance to control and abate air pollution and emissions of air contaminants, an enforcement mechanism, implementation strategies, and any necessary funding requirements and sources; to consult with stakeholder groups; and to make his recommendations to the City Council by September 16, 2012. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley)

Resolution No. 20120524-077 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

78. Approve an ordinance amending Chapter 2-2 of the City Code to achieve the recommendation of the Charter Revision Committee regarding requiring special reporting of campaign contributions made in the last 9 days before an election. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)

Ordinance No. 20120524-078 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Item 79 was pulled for discussion.

80. Approve an ordinance waiving certain fees for the "Comedy of Errors" performances which are to be held on Friday through Sunday, June 22-24, and Sunday, July 1, 2012 at Ramsey Neighborhood Park. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)

Ordinance No. 20120524-080 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

81. Approve an ordinance reimbursing certain fees for the Eric Solie Memorial Fund Charity Volleyball Tournament sponsored by the Austin Community Foundation which was held on Saturday, May 12, 2012 at Zilker Park. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)

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

82. Approve a resolution initiating code amendments to City Code Section 25-2-476 relating to the Board of Adjustment's review of special exceptions from setback regulations. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member William Spelman)

Resolution No. 20120524-082 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Item 83 was pulled for discussion.

84. Approve a resolution directing the City Manager to initiate an amendment to the Land Development Code to designate the Planning Commission as the Land Use Commission responsible for the Old Enfield neighborhood planning area. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo)

Resolution No. 20120524-084 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

85. Approve an ordinance waiving certain fees and requirements under City Code Chapter 14-8, certain other fees and requirements, and authorizing payment of certain costs for the City co-sponsored Greater East Austin Youth Association's 2012 Juneteenth Parade and Celebration which is to be held on June 19, 2012, at Rosewood Park. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Kathie Tovo)
Ordinance No. 20120524-085 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
86. Approve a resolution directing the City Manager to develop and implement a pilot program to study House Bill 216 Homes for the elderly and disabled and to report by September 30, 2012 recommendations on fiscal, logistical, and policy components of a program implementing and maintaining local regulation of such homes. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley CO 2: Council Member Mike Martinez)
Resolution No. 20120524-086 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
87. Approve a resolution directing the city manager to work with Austin Water Utility (AWU) and Austin Energy (AE) to identify a way to provide a monthly discount to participants in the Customer Assistance Program (CAP) without individual AWU water meters within the AWU service territory. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison)
Resolution No. 20120524-087 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
88. Approve an ordinance authorizing reimbursement of certain additional fees for the Lady Bird Lake Festival which was held on Tuesday, May 22, 2012 at Fiesta Gardens. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley)
Ordinance No. 20120524-088 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
89. Approve a resolution directing the City Manager to create a special events team comprised of staff from various city departments to assist in the planning and implementation of temporary special events in the City. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member William Spelman)
Resolution No. 20120524-089 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
90. Approve a resolution directing the City Manager to work with certain local non-profit organizations and determine how the City may assist in preparing application to Bloomberg Philanthropies and Living Cities for a Phase One Financial Empowerment Center grant. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Lee Leffingwell CO 2: Mayor Pro Tem Sheryl Cole)
Resolution No. 20120524-090 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Items 91 and 92 were pulled for discussion.

93. Approve a resolution directing the City Manager to support a Transportation Safety Summit to discuss current transportation system conditions and provide recommendations for the relevant jurisdictions on improving transportation safety. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley)
Resolution No. 20120524-093 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

94. Approve an ordinance reimbursing certain fees for the Octopus Club annual fundraising event benefiting AIDS Services of Austin which was held on Saturday, April 7, 2012 at the former Home Depot building at 7211 North IH-35. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Mayor Lee Leffingwell)
Ordinance No. 20120524-094 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
95. Approve an ordinance waiving certain fees for the new Big Brothers Big Sisters of Central Texas Mentoring Center that will be built in Rathgeber Village in the Mueller area. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo CO 2: Mayor Pro Tem Sheryl Cole)
Ordinance No. 20120524-095 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
96. Approve a resolution directing the City Manager to locate bottlenecks in the City's permit review process and to develop proposed strategies for improving the timeliness and efficiency of permit review without compromising enforcement of public safety codes or consistency of development with city zoning regulations. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Chris Riley)
Resolution No. 20120524-096 was approved on consent on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
97. Set a public hearing to consider an ordinance amending Ordinance No. 20080515-030 by amending the map indicating areas with additional regulations applying to Mobile Food Establishments to include the North Lamar Neighborhood Planning Area and the Stone Gate Neighborhood Association in accordance with Section 25-2-812 of the City Code. (Suggested date and time: June 14, 2012, 4:00 p.m. Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for June 14, 2012 at 4:00 p.m., City Hall at 301 W. Second on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
98. Set a public hearing to consider an ordinance amending Ordinance No. 020829-58 to add the Northeast Walnut Creek Neighborhood Association and the Stone Gate Neighborhood Association to the Restricted Parking Area Map in accordance with Section 12-5-29 of the City Code. (Suggested date and time: June 14, 2012, 4:00 p.m. Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for June 14, 2012 at 4:00 p.m., City Hall at 301 W. Second on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
99. Set a public hearing and consider an appeal by Mary and Bill Ley regarding the decision to issue an Outdoor Music Venue permit for Home Slice Pizza, located at 1415 S. Congress Avenue. (Suggested date and time: June 14, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for June 14, 2012 at 4:00 p.m., City Hall at 301 W. Second on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
100. Set a public hearing and consider an appeal by Elliott Mitchell regarding the decision to issue an Outdoor Music Venue permit for Lucy's Fried Chicken, located at 2218 College Avenue. (Suggested date and time: June 14, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin TX).
The public hearing was set on consent for June 14, 2012 at 4:00 p.m., City Hall at 301 W. Second on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.
101. Set a public hearing to consider an ordinance granting a site specific amendment to City Code section 25-8-514 (Save Our Springs Initiative) and a variance to City Code section 25-8-482 (Critical Water Quality Zone) to allow construction of temporary access and staging and to repair a culvert and dam in the Critical Water Quality Zone. This action concerns land located within the Barton Springs Zone. (Suggested date and time: June 7, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street.)

The public hearing was set on consent for June 7, 2012 at 4:00 p.m., City Hall at 301 W. Second on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

102. Set a public hearing to consider an ordinance amending Chapter 25-2 of the City Code to define a new land use "Pedicab Storage and Dispatch" and describe the zoning districts in which it is permitted. (Suggested date and time: June 14, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for June 14, 2012 at 4:00 p.m., City Hall at 301 W. Second on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

103. Set a public hearing to consider an ordinance amending Section 25-2-587 (Requirements for Certain Uses in a Neighborhood Commercial (LR) District) of the City Code to amend the regulations applying to a restaurant General Use. (Suggested date and time: June 14, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for June 14, 2012 at 4:00 p.m., City Hall at 301 W. Second on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

104. Set a public hearing to consider an ordinance amending City Code Chapter 25-2 to make outdoor amphitheatres and similar structures a conditional use in all zoning districts, even if the amphitheater or similar structure is associated with a civic or residential use. (Suggested date and time: June 14, 2012, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for June 14, 2012 at 4:00 p.m., City Hall at 301 W. Second on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

105. Set a public hearing to consider an ordinance on first reading regarding the application submitted by Acadian Ambulance Service, Inc. to renew a non-emergency medical transfer franchise under Chapter 10-2 of the City Code. (Suggested date and time: June 14, 2012, 4:00pm, at Austin City Hall, 301 W. Second Street, Austin, Tx.). Related to Item #17.

The public hearing was set on consent for June 14, 2012 at 4:00 p.m., City Hall at 301 W. Second on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

142. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Certificates of Obligation in the amount of \$800,000 for the design and construction of a kitchen expansion on the Turner Roberts Multi-use Structure project at Colony District Park. Related to Items #143 and 144.

Resolution No. 20120524-142 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

143. Approve an ordinance amending the Fiscal Year 2011-2012 Parks and Recreation Department Capital Budget (Ordinance No. 20110912-006) to appropriate \$800,000 for the design and construction of a kitchen expansion on the Turner Roberts Multi-use Structure project at Colony District Park. Related to Items #142 and 144.

Ordinance No. 20120524-143 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

144. Authorize the negotiation and execution of an amendment to the interlocal agreement between the City of Austin and Austin Independent School District (AISD) for the construction and operation of a kitchen facility expansion on the Turner Roberts Multi-use Structure project at the Overton Elementary School in Colony District Park to benefit of both AISD and the City of Austin. Related to Items #142 and 143.

The motion authorizing the negotiation and execution of an amendment to the interlocal agreement between the City of Austin and Austin Independent School District (AISD) was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

Item 145 was pulled to be heard with item 23

Items 107 and 108 were briefing items set for 10:30 a.m.

Items 109 through 111 were Executive Session items.

Item 112 was action on a briefing item set for 2:00 p.m.

Items 113 through 128 were zoning items set for 2:00 p.m.

Items 129 through 141 were public hearing items set for 4:00 p.m.

Item 142 through 145 were addendum items

DISCUSSION ITEMS

79. Approve an ordinance amending Chapter 2-2 of the City Code to achieve the recommendation of the Charter Revision Committee regarding enhancing reporting of independent expenditures in City elections. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)

This item was postponed to June 7, 2012 on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

Items 23 and 145 were acted on in a combined motion.

23. Authorize the negotiation and execution of all documents and instruments necessary or desirable to permit Austin Java City Hall, L.P. to assign its interest in its lease with the City of Austin to LICKONA'S CITY HALL, LLC, and to amend the lease to modify the rent structure, allow physical interior and exterior changes, add one additional five-year renewal option, increase the security deposit and permit live music.

The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to permit Austin Java City Hall, L.P. to assign its interest in its lease to Lickona's City Hall, LLC was approved on Council Member Tovo's motion, Council Member Martinez' second on a 7-0 vote.

145. Approve a resolution directing the City Manager to design and implement a plan for street furniture outside of the leased area of the proposed City Hall restaurant. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)

Resolution No. 20120524-145 was approved on Council Member Tovo's motion, Council Member Martinez' second on a 7-0 vote.

Items 15 and 16 were acted on in a combined motion.

15. Approve a resolution creating the Family Business Loan Program, a public-private partnership loan program designed to fund small business expansions that will create jobs, and approving program guidelines.

Resolution No. 20120524-015 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

16. Approve an ordinance amending the Fiscal Year 2011-2012 Economic Growth and Redevelopment Services Fee Schedule, Ordinance No. 20110912-007, to authorize fees related to the Family Business Loan Program.

Ordinance No. 20120524-016 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

20. Approve an ordinance amending City Code Chapter 11-1 (Ad Valorem Tax) of Title 11 (Taxation) by adding a new Article 4 relating to exemptions from ad valorem taxes for eligible properties owned by Community Land Trusts.
Ordinance No. 20120524-020 was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

BRIEFINGS

108. Briefing by Travis County on the Proposed TXI, Travis County, and City of Austin Tri-party Agreement.
The presentation was made by Tom Nuckols, County Attorneys Office and Joe Gieselman, former Director of Transportation for Travis County.
107. Recommendations from the Leadership Committee on Permanent Supportive Housing Finance.
Ed McHorse, Chair of the Leadership Committee on Permanent Supportive Housing Finance.

CITIZEN COMMUNICATIONS: GENERAL

Gus Peña - 1. Remember our veterans who sacrificed their lives during wars on Memorial Day. 2. Thank and appreciate Vanessa Silas and staff at the Millennium Youth Entertainment Center for their service to the community and youth. The mission of the facility was determined by the community. The vision and mission should remain as was determined and mandated by the community, an entertainment center. 3. Our military troops need our support and appreciation.

Michael Zitz-Evanich - Pray for Leaders

Paula Harrison - The need for a Market on 6th Street

Linda Greene- Why Apple Corporation should give back 8.5 million for a fluoride filtering system in every fire house!

Lainie Duro- Elections

Catherine Bluish- Fluoride harms babies

Nailah Sankofa- Black artists and designers in Austin **Not present when name was called.**

Alan Roddy- The Balcones Rock Cliff formations

Paul Robbins- City issues

Ronnie Reefersseed - Peace, freedom, fluoride and Dr. Ron Paul

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:24 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.

109. Discuss legal issues related to Open Government matters (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

This item was withdrawn.

110. Discuss legal issues related to the November 6, 2012 election (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
111. Discuss legal issues relating to electric utility operational and regulatory matters (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 3:41 p.m.

DISCUSSION ITEMS CONTINUED

65. Authorize award and execution of a 36-month requirements service contract with LONGHORN CAR TRUCK RENTALS, INC. to provide vehicle rental services for the Fleet Services Department in an amount not to exceed \$1,274,000 with three 12-month extension options in estimated amounts not to exceed \$604,800 for the first extension option, \$725,760 for the second extension option, and \$870,912 for the third extension option, for a total estimated contract amount not to exceed \$3,475,472. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a requirements service contract with Longhorn Car Truck Rentals, Inc. in the amount of \$1,050,000 with no extension options was approved on consent on Council Member Riley's motion, Council Member Morrison's second on a 7-0 vote.
28. Approve an Interlocal Agreement regarding the release of extraterritorial jurisdiction ("ETJ") to the City of Cedar Park. Approximately 34 acres will be released from Austin's ETJ to Cedar Park's ETJ.
This item was postponed to June 28, 2012 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. Staff was directed to express Council's environmental concerns to the parties involved.

PUBLIC HEARING ITEMS

Items 129, 131 through 138 were acted on in a combined motion.

129. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 (Zoning) to create the Central Austin - University Area Zoning Overlay District (CAUA) in which a group residential land use is a conditional use in the multi-family residence moderate-high density (MF-4) base zoning district.
This item was postponed to June 14, 2012 on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
131. Conduct a public hearing to consider an appeal by Paul Linehan of the Planning Commission's disapproval of an extension of a released site plan [Reagan National, SP-2007-0560C(XT)] located at 1640 S IH 35.
This item was postponed to June 28, 2012 on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
136. Conduct a public hearing and consider a resolution regarding a request by Speedy Shop Food Store #409, located at 6707 Cameron Rd., for a waiver from the distance requirement of City Code Section 4-9-4 which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.
This item was postponed to June 7, 2012 on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

137. Conduct a public hearing and consider a resolution regarding a request by Speedy Shop Food Store #407, located at 1320 E Oltorf St., for a waiver from the distance requirement of City Code Section 4-9-4 which requires a minimum of 300 feet between a business that sells alcoholic beverages and a public school.
This item was postponed to June 7, 2012 on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.
138. Conduct a public hearing to consider an appeal by Kerri and Max Krupp (appellant), along with David Cancialosi (appellant's agent) of a decision by the Residential Design and Compatibility Commission (RDCC) denying a modification request for an addition of a second story dwelling unit above an existing detached garage located at 3700 Lawton Avenue to increase the floor-to-area ratio (FAR) by 5.2%.
This item was postponed to June 7, 2012 on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

Items 134 and 140 were acted on in a combined motion.

134. Conduct a public hearing and consider an ordinance regarding ATMOS Energy Corporation's proposal to increase customer gas rates.
This item was postponed to June 14, 2012 on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.
140. Conduct a public hearing and consider an ordinance amending Title 25 of the City Code to address the short term rental of residential units. Recommended by the Planning Commission with amendments
This item was postponed to June 7, 2012 on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

69. Authorize award, negotiation, and execution of a ten-year revenue contract with ARAMARK SPORTS AND ENTERTAINMENT SERVICES OF TEXAS, LLC, or the other qualified offeror to RFP PAX0105, to provide catering and concession management services for the Austin Convention Center Department in an estimated annual net revenue amount of \$2,000,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 25.41% MBE and 14.4% WBE subcontractor participation.)
This item was postponed to June 7, 2012 on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote.
83. Approve an ordinance creating the Lake Austin Task Force (LATF); directing the City Manager to work with the LATF to develop and report to Council LATF's recommendations for changes needed to promote, preserve, and protect Lake Austin; waiving the requirements of City Code Section 25-1-502 relating to processing of amendments to Title 25; and amending the code to prohibit environmental administrative variances for development of properties abutting or within 100 feet of the shoreline of Lake Austin. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO 2: Council Member Mike Martinez)
Ordinance No. 20120524-083 with the following amendments was approved on Council Member Tovo's motion, Council Member Martinez' second on a 7-0 vote.

The amendments were:

Part 2. should read "The Lake Austin Task Force ("LATF") is created to develop recommendations for future regulatory controls and enforcement mechanisms on and relevant to Lake Austin to promote, preserve, and protect this critical public asset. The LATF is directed to include in its recommendations whether the code changes made in this Ordinance regarding environmental variances should be repealed, amended, or left in place."

Part 6. Section 25-1-46 (Land Use Commission) is amended to add a new subsection (F) to read, "(F) The Planning Commission shall act as the land use commission for variances granted under Section 25-8-41 (Land Use Commission Variances) if any portion of the property abuts or is within 500 feet of the shoreline of Lake Austin, measured horizontally."

Section 25-8-42 (A) should read, "A variance under this section may not vary the requirements of Article 12 (Save Our Springs Initiative) and may not be granted for development of a property if any portion of the property abuts or is within 500 feet of the shoreline of Lake Austin, measured horizontally."

Section 25-8-281 (D) should read, "The director may grant an administrative variance to a requirement unless any portion of the property that is the subject of the administrative variance abuts or is within 500 feet of the shoreline of Lake Austin, measured horizontally. An applicant for a variance must demonstrate that the proposed measures preserve all characteristics of the critical environmental feature."

To add one year termination.

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

112. CD-2012-0002 - Development Assessment of Sunfield Planned Unit Development, also known as Sunfield Municipal Utility District #2, located at the southwest corner of Turnersville Road and South Turnersville Road, within the Rinard Creek, Plum Creek and Onion Creek Watersheds.

This item was postponed to June 7, 2012 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

113. C14-2011-0088 - Tillery Street - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2200 Tillery Street (Boggy Creek Watershed, Tannehill Branch Watershed) from limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. First reading on April 26, 2012. Vote: 7-0. Owner/Applicant: DCR III Mortgage, Sub I, LLC (Lance B. Amano). Agent: Richard H. Crank. City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed to June 28, 2012 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

114. C14-2011-0109 - Lamar Development - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4527 North Lamar Boulevard (Waller Creek Watershed) from unzoned (UNZ) to multi-family residence-highest density conditional overlay (MF-6-CO) combining district zoning. First reading approved on November 10, 2011. Vote: 7-0. Applicant: State of Texas (Hal Croft). Agent: Brown McCarroll, L.L.P. (Nikelle Meade). City Staff: Clark Patterson, 974-7691.

Ordinance No. 20120524-114 for multi-family residence-highest density conditional overlay (MF-6-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

115. C14-2011-0113 - The Grand Hotel at Waller Creek - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 608 E. Cesar Chavez Street (Town Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment district (CBD-CURE) combining district zoning. First reading approved on November 10, 2011. Vote: 7-0. Applicant: Manchester Texas Financial Group (Doug Manchester). Agent: Winstead, P.C. (Michele Haussmann). City Staff: Clark Patterson, 974-7691.

Ordinance No. 20120524-115 for central business district-central urban redevelopment district (CBD-CURE) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.

116. C14-84-361(RCT) - Tillery Street - Conduct a public hearing and approve a restrictive covenant termination for property locally known as 2200 Tillery Street (Boggy Creek Watershed, Tannehill Branch Watershed) to terminate a Restrictive Covenant as it relates to certain uses and development standards. Staff Recommendation: To grant the Restrictive Covenant termination. Planning Commission Recommendation: To grant the Restrictive Covenant termination. Owner/Applicant: DCR III Mortgage, Sub I, LLC (Lance B. Amano). Agent: Richard H. Crank. City Staff: Sherri Sirwaitis, 974-3057.
This item was postponed to June 28, 2012 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote
117. NPA-2012-0025.01 - 4806 1/2 Trail West Drive (Estates of Travis Country) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined 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 4806 1/2 Trail West Drive (Barton Creek Watershed-Barton Springs Zone) from Civic to Single Family land use. Staff Recommendation: To grant the change in the FLUM to Single Family land use. Planning Commission Recommendation: To be reviewed on May 22, 2012. Owner: Austin Independent School District (Paul Turner). Applicant: Independent Realty, L.L.C. (Nick Dean and Misha Spiridonov). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Maureen Meredith, 974-2695.
This item was postponed to June 7, 2012 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote
118. C14-2012-0016 - Estates of Travis Country - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4806 1/2 Trail West Drive (Barton Creek Watershed-Barton Springs Zone) from public-neighborhood plan (P-NP) combining district to single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning. Staff Recommendation: To grant single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on May 22, 2012. Applicant: Austin Independent School District (Paul Turner). Agent: Independent Realty (Nicholas Dean). City Staff: Clark Patterson, 974-7691. A valid petition has been filed in opposition to this rezoning request.
This item was postponed to June 7, 2012 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote
119. C14-04-0181.SH(RCA) - Shire's Court - Conduct a public hearing to amend a restrictive covenant for the property locally known as 1910 1/2 Wickshire Lane (Country Club East Creek Watershed). Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on June 26, 2012. Owner/Applicant: Shire's Court, Ltd. (David Mahn). Agent: Benchmark Development (Myra Goepp). City Staff: Wendy Rhoades, 974-7719.
This item was postponed to June 28, 2012 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote
121. C14-2011-0160 - Capital City Salvage (L.K.Q.) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7600-7900 South Congress Avenue (South Boggy Creek Watershed) from development reserve (DR) district zoning to limited industrial service (LI) district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To deny limited industrial service-conditional overlay (LI-CO) district zoning, with conditions. Owner/Applicant: RDO Properties, LLC (Rob Ormand). Agent: Enabler Design Group (DeVon Wood). City Staff: Wendy Rhoades, 974-7719.

This item was postponed on consent indefinitely at the applicant's request. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)

122. C14-2011- 0165 - Randerson Creekside Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3108 E. 51st Street (Fort Branch Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning. Owner/Applicant: CNB Austin (Mark Kalish). Agent: Central Texas Development Assessments (Mike Wilson). City Staff: Heather Chaffin, 974-2122.

This item was postponed to June 7, 2012 at the applicant's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote

123. C14-2012-0002 - The Domain - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10728-11306 and 11500-11900 Burnet Road; 3300 West Braker Lane; 11105 and 11401-11925 Domain Drive, and 2900-3210 Esperanza Crossing (Walnut Creek Watershed) from major industrial-planned development area (MI-PDA) combining district zoning to major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning. Staff Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning. Planning Commission Recommendation: To grant major industrial-planned development area (MI-PDA) combining district zoning to change a condition of zoning. Owner/Applicant: RREEF Domain, LP (Chad Marsh); Domain Retail I, LP (Chad Marsh), Domain Parkside I, LP (Robert Shaw). Agent: Winstead PC (Michele Haussmann). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed to June 7, 2012 at the applicant's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote

124. C14-2010-0087 (RCA) - The Domain Restrictive Covenant Amendment - Conduct a public hearing and approve a restrictive covenant amendment for property locally known as 10728-11306 and 11500-11900 Burnet Road; 3300 West Braker Lane; 11105 and 11401-11925 Domain Drive, and 2900-3210 Esperanza Crossing (Walnut Creek Watershed) to amend Section 1 of the restrictive covenant to relocate the 1-acre of zero impervious cover within the nine acre park area. Staff Recommendation: To grant the Restrictive Covenant Amendment. Planning Commission Recommendation: To grant the Restrictive Covenant Amendment. Owner/Applicant: RREEF Domain, LP (Chad Marsh); Domain Retail I, LP (Chad Marsh), Domain Parkside I, LP (Robert Shaw). Agent: Winstead PC (Michele Haussmann). City Staff: Sherri Sirwaitis, 974-3057.

This item was postponed to June 7, 2012 at the applicant's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote

125. C14-2012-0006 - Eco-9 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9511 North FM 620 Road (Bull Creek Watershed) from public-conditional overlay (P-CO) combining district zoning to community commercial (GR) district zoning. Staff recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: ECO Resources. Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote

126. C14-2012-0026 - MU-14 Investments - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4807 North Quinlan Park Road (Bear Creek West Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Applicant: MU-14 Investments Ltd. (Adib Khoury). Agent: Crocker Consultants (Sarah Crocker). City Staff: Clark Patterson, 974-7691.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120524-126 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote

127. C14-2012-0027 - Felter Lane Road Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as Felter Lane at Burleson Road (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning and interim-single family residence standard lot (I-SF-2) district zoning to limited industrial service (LI) district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning. Owner/Applicant: Travis Business Park, Ltd. (Brenda Horton). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120524-127 for limited industrial service-conditional overlay (LI-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote

128. C14-2012-0037 - 2911 & 2915 E. Martin Luther King, Jr., Blvd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2911 and 2915 E. Martin Luther King, Jr., Blvd. (Boggy Creek Watershed) from transit oriented development-neighborhood plan (TOD-NP) combining district zoning to transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning. Owner: AJN 2915 MLK LP (Jesse Lunsford). Applicant/Agent: City of Austin Planning and Development Review Department (Jerry Rusthoven). City Staff: Heather Chaffin, 974-2122.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120524-128 for transit oriented development-neighborhood plan (TOD-NP) combining district zoning, to change a condition of zoning was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote

DISCUSSION ITEMS CONTINUED

91. Approve an ordinance amending Resolution No. 021003-40 to make the 2012 Welcome Home Iraq Veterans Parade and Job and Resource Fair a City Co-sponsored event, waiving certain fees and requirements, and authorizing payment of certain costs for the event which will be held on July 7, 2012. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)

Ordinance No. 20120524-091 was approved with the following change on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote. The change was to reflect the date of the event as July 7, 2012.

92. Approve a resolution creating a Council Special Committee on Economic Incentives to hold public meetings and investigate possible uniform contract terms for economic development proposals, such as Chapter 380 agreements, master development agreements, city contracts, and development fee waivers. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo)

Resolution No. 20120524-092 was approved with the following amendments on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote. Mayor Leffingwell made a friendly amendment to delete the first bullet under the Be It Resolved section and insert, "The makeup of the committee will be determined on June 7, 2012. Mayor Pro Tem Cole's amendments were on page two to change the first paragraph to read, "WHEREAS, in order to ensure that community values such as those indicated in the Comprehensive Plan and concerns are represented in these deliberations, a public stakeholder process should be created so that Council can make the necessary changes to the City's economic development incentive process in accordance with the Comprehensive Plan to avoid piecemeal amendments and last minute negotiations;" Mayor Pro Tem Cole also added a new paragraph to read, "WHEREAS, in economic development negotiations companies have the right to have proprietary information not immediately open to the public. We will respect those laws in the process of negotiations". Staff was directed to post the entire amended resolution when this is brought back on June 7, 2012 to make the committee appointments.

73. Approve first reading of an ordinance amending Ordinance No. 20100527-048 renewing a franchise to Greater Austin Transportation Company d.b.a. Yellow Cab Company to operate a taxicab service in the City of Austin for five years.

The first reading of the ordinance was approved on Council Member Spelman's motion, Council Member Martinez' second on a 6-1 vote. Council Member Tovo voted nay.

A substitute motion was made by Council Member Morrison and seconded by Council Member Tovo to postpone this item to June 7, 2010. Council Member Morrison withdrew the substitute motion.

Mayor Leffingwell recessed the Council Meeting for Live Music and Proclamations at 5:35 p.m.

LIVE MUSIC

The Sour Notes

PROCLAMATIONS

Proclamation -- Employee Safety Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Shelley Buchman

Proclamation -- Public Works Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Howard Lazarus and Public Works Department employees

Proclamation -- Older Americans Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Angela Atwood

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

Proclamation -- Internal Audit Week -- to be presented by Council Member Mike Martinez and to be accepted by Darrell Carter

Proclamation -- EMS Week -- to be presented by Council Member Mike Martinez and to be accepted by EMS Chief Ernesto Rodriguez

Proclamation -- National Missing Children's Day -- to be presented by Council Member Kathie Tovo and to be accepted by David Boatright

Proclamation -- Mental Health Awareness Month -- to be presented by Council Member Kathie Tovo and to be accepted by Adam Slosberg

Mayor Leffingwell called the Council Meeting back to order at 6:42 p.m.

EMINENT DOMAIN

106. Approve a resolution authorizing the filing of eminent domain proceedings for the Davis Lane Wastewater Extension Project for 1,625 square feet for a permanent wastewater easement and 2,189 square feet for a temporary work space easement; both being situated in the Theodore Bissel Survey No. 18, Abstract No. 3, in Travis County, Texas; being a portion of Lot 15, Block "J", Grand Oaks Subdivision Amended Plat, a Subdivision of Record in Document No. 200300192 of the Official Public Records of Travis County, Texas in the amount of \$257. The owner of the needed property interests is GRAND OAKS OWNERS ASSOCIATION, INC., A TEXAS NON PROFIT CORPORATION. The property is located at 2501 Sweet Clover Drive, on the north side of Davis Lane, south side of Brock Circle, approximately 500 feet west of Empress Boulevard, in Austin, Travis County, Texas 78745.

Resolution No. 20120525-106 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote. (This vote applies to all property described in the posting.)

ZONING DISCUSSION ITEM

120. C14-2011-0141 - Peaceful Hill Condominiums - Approve second reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8107 Peaceful Hill Lane and 501 Hubach Lane (South Boggy Creek Watershed) from development reserve (DR) district zoning to townhouse and condominium residence (SF-6) district zoning. First reading approved with conditions on April 26, 2012. Vote: 5-2, Mayor Lee Leffingwell and Council Member Tovo voted nay. Owner/Applicant: Kristopher Alsworth, Delton Hubach, Jim Bula and Catherine Christopherson. Agent: The Moore Group (Mike Moore). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to June 14, 2012 on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

130. Conduct a public hearing and consider an ordinance amending Title 30 of the City Code related to provisions for the authority of the County Executive for subdivisions in the Travis County ETJ (C20-2011-0016).

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120524-130 was approved on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Morrison was off the dais.

132. Conduct a public hearing in accordance with Section 26.001 of the Texas Parks and Wildlife Code and consider a resolution authorizing the use of approximately 4,455 square feet of land for permanent drainage and 4,713 square feet for temporary workspace, staging and spoils storage site area in connection with the construction, use, maintenance, repair and replacement of a storm drain and

appurtenances for the South Shore Storm Drain Improvement Project, which is located on dedicated parkland known as International Shores at Town Lake.

The public hearing was conducted and the motion to close the public hearing and adopt Resolution No. 20120524-132 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

133. Conduct a public hearing and consider an ordinance regarding Texas Gas Service's proposal to increase customer gas rates.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120524-133 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

141. Conduct a public hearing and consider an ordinance amending Ordinance 20110912-007 to close the Large Primary Service - Special Contract Rider II and the Large Primary Service Special Contract -- Industrial Rider electric rate tariffs to new customers.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120524-141 was approved on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote.

139. Conduct a public hearing and consider an ordinance amending City Code Section 25-1-21 and Chapter 25-4 relating to requirements for flag lots.

There was a motion to approve the Planning Commission's recommendation of the ordinance that was made by Council Member Morrison and seconded by Council Member Tovo.

There was a substitute motion made by Mayor Pro Tem Cole and seconded by Council Member Riley to approve the staff's recommendation of the ordinance. This motion failed on a 2-5 vote. Those voting aye were: Mayor Pro Tem Cole and Council Member Riley. Those voting nay were Mayor Leffingwell and Council Members Martinez, Morrison, Spelman and Tovo.

The public hearing was conducted and the motion to close the public hearing and adopt Planning Commission's recommendation of Ordinance No. 20120524-139 with the following amendment was approved on Council Member Morrison's motion, Council Member Tovo's second on a 5-2 vote. Those voting aye were Mayor Leffingwell and Council Members Martinez, Morrison, Spelman and Tovo. Those voting nay were: Mayor Pro Tem Cole and Council Member Riley. There was a friendly amendment made by Council Member Morrison to amend section 25-4-175(A)(2) to read, "In single-family or duplex residential subdivisions on previously platted land, the Land Use Commission shall grant a variance to allow flag lots if:" This was accepted by Council Member Tovo who seconded the motion.

22. Approve an ordinance authorizing the City Manager to execute a license agreement with Austin Pets Alive (APA) permitting APA to occupy and operate the Town Lake Animal Center, located at 1156 West Cesar Chavez, Austin, Texas, for a fixed term, waiving Chapter 14-11 (Use of Right-of-Way), Article 1, Division 3, Sections 14-11-42 and 14-11-43 for purposes of the license agreement with APA, and repealing Ordinance No. 20111110-022.

Ordinance No. 20120524-022 was approved on Council Member Morrison's motion, Council Member Martinez' second on a 7-0 vote.

135. Conduct a public hearing and consider an ordinance adopting the Imagine Austin Comprehensive Plan pursuant to Article X of the City Charter and Chapter 213 of the Texas Local Government Code.

This item was postponed to June 14, 2012 on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

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

Mayor Leffingwell recessed the Council Meeting at 12:37 a.m. without objection.

Mayor Leffingwell called the meeting back to order at 12:47 a.m.

12. Approve an ordinance authorizing the City Manager to execute a Master Development Agreement and negotiate and execute community facilities agreements with Trammell Crow's affiliate TC GREEN WATER MASTER DEVELOPER, LLC, for the sale and redevelopment of the property formerly occupied by the Green Water Treatment Plant; adopting building access and area of refuge requirements; approving a managed growth agreement; and waiving certain code sections relating to fees, fiscal surety, and heritage trees. Related to Item #13.

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

The amendment from Mayor Pro Tem Cole was to amend the Master Development Agreement (MDA) Section 3.2 (e) – Prevailing Wage to read as follows, "Developer shall require construction contractors and subcontractors engaged by the developer to construct the public improvements and the shell building improvements to pay the prevailing wage as defined in the City of Austin ordinances attached hereto as Exhibit F but not less than \$12 per hour unless developer hires into entry level positions those individuals classified as difficult-to-employ. In such cases, developer may use the prevailing wage schedule as may be modified by the City Council. A difficult-to-employ individual will be defined as an individual with a criminal record or a disability or lacking a high school diploma." Mayor Pro Tem Cole withdrew her motion.

Ordinance No. 20120524-012 was approved with the following friendly amendments on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.

There was a friendly amendment made by Council Member Morrison to include the following language,

- 1) An amendment is added to the MDA that there be a section describing a partnership between the developer and workers defense whereby the workers defense project will be provided access for worker welfare monitoring at least once per pay period.
- 3) A target goal of 20% hiring of graduates of a local, hands-on construction training school that offers bilingual classes free of charge, with a wage floor of \$16/hour for these workers who have continued their education."

The friendly amendment was accepted by the maker of the motion.

There was friendly amendment made by Mayor Pro Tem Cole to include the following language, "Developer shall exercise due diligence in its relationship with its contractors in promoting the hiring of individuals with criminal records." The friendly amendment was accepted by the maker of the motion and Council Member Morrison who seconded the motion.

There was friendly amendment made by Council Member Morrison to change Page 5 – Use Restrictions by deleting the following:

- Strike the prohibitions on "thrift shops" and "flea markets" from 5 (a)(iii)
- Modify 5 (a) (vii) to allow "pet stores" and only prohibit "veterinary hospitals with large animals or livestock and animal raising or boarding facilities."
- Strike 5 (a)(xiv) completely, which prohibits non "upscale" or specialty stores selling alcoholic beverages
- Strike 5 (a)(xvi) which prohibits "bowling alleys"
- Strike 5 (a) (xxii) which prohibits "workers compensation offices"

- Strike 5 (b)(ii) which prohibits “a daycare center larger than 5,000 square feet”
- Strike 5 (b)(v) which prohibits “doctor or dentist offices or other medical facilities”
- Modify 5(b)(vii) to prohibit all tobacco shops.

The friendly amendment was accepted by the maker of the motion.

There was a friendly amendment made by Council Member Tovo to read, “In accordance with the Heritage Tree Ordinance, the applicant must obtain a variance for the removal of any tree that meets the definition of a heritage tree under City Code Section 25-8-602 and does not meet the approval criteria for an administrative variance under section 25-8-642.” Tovo withdrew her new original amendment and restated her motion to say, “The developer will work with the City arborist to determine whether and how the trees on the site might be incorporated into the design.” The friendly amendment was accepted by the maker of the motion and Council Member Morrison who seconded the motion.

Direction was given to staff to seek locations on Shoal Creek near the project where the trees could be placed when working with the arborists.

13. Approve an ordinance amending the Fiscal Year 2011-2012 Economic Growth and Redevelopment Services Office Capital Budget (Ordinance No. 20110912-006) to appropriate \$20,375,144 for infrastructure improvements in the Seaholm Development District. Related to Item #12.
Ordinance No. 20120524-013 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Mayor Leffingwell adjourned the meeting at 1:47 a.m. without objection.

The minutes for the regular meeting of May 24, 2012 were approved on this the 7th day of June 2012 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.