



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, FEBRUARY 13, 2014**

Invocation: Dr. B. W. McClendon, Sr., St. James Missionary Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, February 13, 2014 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council special called meeting of November 18, 2013, work session of January 28, 2014 and regular meeting of January 30, 2014.
The minutes from the City Council special called meeting of November 18, 2013, work session of January 28, 2014 and regular meeting of January 30, 2014 were approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
2. Approve issuance of a rebate to Barrington Austin Apartments, LLC, for performing energy efficiency improvements at The Barrington at Park Place Apartments (Phase 1) located at 3204 Duval Rd., Austin, Texas 78759, in an amount not to exceed \$176,399.
The motion to approve the issuance of a rebate to Barrington Austin Apartments, LLC was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
3. Approve issuance of a rebate to Jacob Castellanos, for performing energy efficiency improvements at the Club Creek Apartments located at 502 W. Longspur Blvd., Austin, Texas 78753, in an amount not to exceed \$107,999.
The motion to approve the issuance of a rebate to Jacob Castellanos was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
4. Approve issuance of a rebate to Jacob Castellanos, for performing energy efficiency improvements at the Wildwood Apartments located at 7610 Cameron Rd., Austin, Texas 78752, in an amount not to exceed \$191,449.
The motion to approve the issuance of a rebate to Jacob Castellanos was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

5. Authorize negotiation and execution of an agreement with Target - Arboretum, to provide a performance-based incentive for the generation of solar energy at its facility located at 10107 Research Blvd., Austin, Texas 78759, for an estimated \$42,122 per year, for a total amount not to exceed \$421,220 over a 10-year period.
The motion authorizing the negotiation and execution of an agreement with Target – Arboretum was approved on consent on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.
6. Authorize negotiation and execution of an agreement with Target - South Park Meadows, to provide a performance-based incentive for the generation of solar energy at its facility located at 9500 South I-35, Suite G, Austin, Texas 78748, for an estimated \$42,425 per year, for a total amount not to exceed \$424,250 over a 10-year period.
The motion authorizing the negotiation and execution of an agreement with Target – South Park Meadows was approved on consent on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.
7. Authorize the use of the construction manager-at-risk method of contracting for construction of the new Terminal 7 Gate Expansion Project at the Austin-Bergstrom International Airport in accordance with Texas Government Code Chapter 2267. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program).) January 14, 2014 - Approved by the Austin Airport Advisory Commission on a 3-0-1 vote with Commissioner Murphy recused due to a conflict of interest.
The motion authorizing the use of the construction manager-at-risk method of contracting was approved on consent on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.
8. Authorize negotiation and execution of a professional services agreement with FREESE AND NICHOLS, INC., (staff recommendation) or one of the other qualified responders to Request for Qualifications Solicitation No. CLMP138, to provide design, bid and construction phase services for the MLK Transit Oriented Development Stormwater Conveyance Improvements in an amount not to exceed \$750,000. (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) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation.)
The motion authorizing the negotiation and execution of a professional services agreement with Freese and Nichols, Inc. was approved on consent on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.
9. Authorize execution of a construction contract with Prism Development, Inc. for the BOG-1A Oak Springs Riparian Restoration Project in the amount of \$175,894 plus a \$17,589.40 contingency, for a total contract amount not to exceed \$193,483.40. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Woman Owned Business Enterprise Program) through the achievement of Good Faith Effort with 100% MBE prime participation.)
The motion authorizing the execution of a construction contract with Prism Development, Inc. was approved on consent on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.
10. Authorize negotiation and execution of a Family Business Loan Program loan to 11E5 LLC consisting of a building renovation loan not to exceed \$167,345 and a working capital loan not to exceed \$166,484, for a total loan amount not to exceed \$333,829, for redevelopment of property at 1100 East Fifth Street to create a multi-purpose facility for use as a community gathering space, farmer's market, event space, office and café.

The motion authorizing the negotiation and execution of a Family Business Loan Program loan to 11E5 LLC was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

11. Authorize negotiation and execution of an 11-month agreement for social services with Front Steps, Inc. to fund maintenance and operations of the Austin Resource Center for the Homeless, housing location services and financial assistance to homeless individuals for an amount not to exceed \$276,314 in grant funds from the Texas Department of Housing and Community Affairs, Homeless Housing and Services Program.
The motion authorizing the negotiation and execution of an agreement with Front Steps, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
12. Authorize negotiation and execution of a 24-month interlocal agreement with the Health and Human Services Commission for Commission training to City of Austin Health and Human Services Department staff to help citizens apply for program benefits through the Your Texas Benefits website at six neighborhood centers.
The motion authorizing the negotiation and execution of an interlocal agreement with the Health and Human Services Commission was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
13. Approve an ordinance authorizing acceptance of grant funds in the amount of \$5,769 from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, and amending the Fiscal Year 2013-14 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$5,769 for the Public Health Emergency Preparedness Program.
Ordinance No. 20140213-013 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
14. Approve a resolution amending the Personnel Policies, Chapter A, Section III.B.1. (9) a and b, to enhance the amount of Serious Injury Supplement benefits provided to non-sworn employees that are injured on the job.
Resolution No. 20140213-014 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

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

16. Approve an ordinance amending Fiscal Year 2013-2014 Management Services Department Operating Budget (Ordinance No. 20130909-001) to appropriate funds for the Independent Citizens Redistricting Commission.
Ordinance No. 20140213-016 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Items 17 through 21 were pulled for discussion.

22. Authorize negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract of land totaling approximately 351.6122 acres in Hays County, Texas, located at 4450 W. FM 150 from Thomas H. Searcy and Joan Searcy for a total amount not to exceed \$7,500,000.
The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a tract land was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
23. Approve an ordinance vacating approximately 8,779 square feet of street right-of-way in the City of Austin, Travis County, Texas, being the western half of Tillery Street south of the intersection of Tillery

Street and East Cesar Chavez Street to AusPro Enterprises, L.P. for consideration not to exceed \$11,000; and vacating approximately 8,573 square feet of street right-of-way in the City of Austin, Travis County, Texas, being the eastern half of Tillery Street south of the intersection of Tillery Street and East Cesar Chavez Street to Joe M. Moore, Jr., Daniel Baladez, and Rose Baladez for consideration not to exceed \$10,700.

Ordinance No. 20140213-023 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Items 24 and 25 were pulled for discussion.

26. Approve an ordinance amending the Fiscal Year 2013-2014 Schedule of Fees, Fines, and Other Charges to be Set or Charged by the City (Ordinance No. 20130909-003) to allow the Parks and Recreation Department to offer discounted fees for youth recreation programs for eligible low-income persons who are qualified to receive government-sponsored free or reduced fee lunches, or who provide an alternative income qualification form.

Ordinance No. 20140213-026 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

27. Approve an ordinance accepting \$5,068 in additional grant funds from the Capital Area Food Bank; and amending the Fiscal Year 2013-2014 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate an additional \$5,068 for the Kid's Café(r) program.

Ordinance No. 20140213-027 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

28. Approve an ordinance accepting \$5,000 in grant funds from the Lora L. and Martin N. Kelley Foundation Trust; and amending the Fiscal Year 2013-2014 Parks and Recreation Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate an additional \$5,000 for the Nature's Way Preschool "house in the trees" project.

Ordinance No. 20140213-028 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

29. Approve ratification of a contract with AFFILIATED POWER SERVICES LP to provide repair services for the heat recovery steam generator at Austin's Energy's Sand Hill Energy Center in an amount not to exceed \$696,026. (Notes: This contract was awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). This was an emergency service contract; therefore, it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.)

The motion to ratify a contract with Affiliated Power Services LP was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

30. Authorize award and execution of a 36-month requirements service contract with ENTECH SALES & SERVICE, INC. to provide heating, ventilation and air conditioning maintenance and repair services for the various City Departments in an estimated amount not to exceed \$2,806,500, with three 12-month extension options in an estimated amount not to exceed \$935,500 per extension option, for a total estimated contract amount not to exceed \$5,613,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

The motion authorizing the award and execution of a requirements service contract with Entech Sales & Service, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

31. Authorize award and execution of Amendment No. 3 to a requirements supply agreement with PIONEER TRANSFORMERS, LTD., for network transformers for Austin Energy to increase the contract authorization for the current contract period and two remaining extensions options in an amount not to exceed \$2,050,493 each, for a revised total contract amount not to exceed \$12,003,539. (Notes: This contract was awarded in compliance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.) Approved by the Electric Utility Commission on a 7-0 vote.
The motion authorizing the award and execution of amendment number three to a requirements supply agreement with Pioneer Transformers, Ltd. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
32. Authorize award and execution of Amendment No. 2 to the contract with WOOD GROUP POWER PLANT SERVICES, INC., to increase the contract amount for the upgrade of a replacement control system for the turbine and generator units 1-4 at Austin Energy's Sand Hill Energy Center, in an amount not to exceed \$282,367, for a revised total contract amount not to exceed \$1,663,632. (Notes: This contract was awarded in compliance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.) Approved by the Electric Utility Commission on a 7-0 vote.
The motion authorizing the award and execution of amendment number two to the contract with Wood Group Power Plant Services, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
33. Authorize award, negotiation, and execution of a 24-month requirements service contract with AIR HYGIENE INTERNATIONAL, INC. or another qualified offeror to RFP No. GAL0014, for the purchase of stack testing services for Austin Energy, in an amount not to exceed \$130,000, with two 24-month extension options in an amount not to exceed \$130,000 per extension option, for a total contract amount not to exceed \$390,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.) Approved by the Electric Utility Commission on a 7-0 vote.
The motion authorizing the award, negotiation and execution of a requirements service contract with Air Hygiene International, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
34. Authorize award and execution of a 12-month requirements service agreement with YOKA, INC., for preventative and corrective maintenance services for critical flywheel equipment at Austin Energy's System Control Center, in an amount not to exceed \$33,056, with four 12-month extension options in an amount not to exceed \$33,056 per extension option, for a total contract amount not to exceed \$165,280. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.) Approved by the Electric Utility Commission on a 7-0 vote.
The motion authorizing the award and execution of a requirements service agreement with Yoka, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
35. Authorize negotiation and execution of contracts with CARAT, BBH GLOBAL, OGILVYONE, M&M GLOBAL PUBLIC RELATIONS, AND PORTER NOVELLI, for advertising, marketing, and promotion of the British Airways nonstop passenger air service between Austin and London for a combined total amount not to exceed \$450,000. (Notes: These expenses will be expended in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established.)

The motion authorizing the negotiation and execution of contracts with Carat, BBH Global, Ogilvyone, M&M Global Public Relations and Porter Novelli was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

Item 36 was pulled for discussion.

37. Authorize award and execution of a contract with AUSTIN MOTORRAD, INC. DBA LONESTAR BMW / TRIUMPH for the purchase of BMW Police Motorcycles for the Austin Police Department in an amount not to exceed \$484,061. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)
The motion authorizing the award and execution of a contract with Austin Motorrad, Inc. doing business as Lonestar BMW/Triumph was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
38. Authorize award and execution of a 36-month requirements supply contract with AMERICAN PRINTERS EXCHANGE, INC. DBA AMERICAN PRINTING & MAILING, for printing Grow Green Fact Sheets in an amount not to exceed \$75,000 with three 12-month extension options in an amount not to exceed \$25,000 per extension option, for a total contract amount not to exceed \$150,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)
The motion authorizing the award and execution of a requirements supply contract with American Printers Exchange, Inc. doing business as American Printing & Mailing was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
39. Authorize award and execution of a contract through the Houston-Galveston Area Council Cooperative (HGAC) with SANTEX TRUCK CENTERS, LTD for the purchase of eight heavy-duty trucks in an amount not to exceed \$1,130,792. Related to Item #40. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a contract through the Houston-Galveston Area Council Cooperative (HGAC) with Santex Truck Centers, Ltd was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
40. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with KINLOCH EQUIPMENT & SUPPLY INC. for the purchase of one Vactor RamJet Body in an amount not to exceed \$123,914. Related to Item #39. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Kinloch Equipment & Supply Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
41. Approve issuance of a street event permit under City Code Chapter 14-8 for the FADO'S Irish Pub St. Patrick's Day Festival, a fee-paid event in the 200 block of West 4th Street between Colorado Street and Lavaca Street which is to be held on Monday, March 17, 2014.
The motion to approve the issuance of a street event permit for the Fado's Irish Pub St. Patrick's Day Festival was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

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

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

Board/Nominee

Nominated by

Asian American Quality of Life Advisory Commission
Richard Yuen

Council Member Martinez

Board of Adjustment
Ricardo De Camps

Council Member Martinez

Commission on Seniors
Monica Saavedra

Council Member Spelman

Item 43 was pulled for discussion.

44. Approve a resolution directing the City Manager to develop a financing and funding plan for Homestead Preservation Districts and determine criteria for designating whether land is unproductive, underdeveloped or blighted. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member William Spelman CO 2: Council Member Kathie Tovo)

Resolution No. 20140213-044 was approved on consent on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.

45. Approve a resolution directing the City Manager to work with citizen stakeholders and the Urban Transportation Commission to develop a recommendation for resolving the issue of non-electric vehicles parking at electric vehicle charging stations on public property. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Council Member William Spelman)

Resolution No. 20140213-045 was approved on consent on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.

46. Approve a resolution directing the City Manager to communicate to the Texas Department of Transportation and the Central Texas Regional Mobility Authority (CTRMA) that the City wishes to amend the interlocal agreement between the City and CTRMA to rescind authority to construct Sound Wall #3 of the MoPac Improvement Project in City right-of-way. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO 2: Council Member William Spelman)

Resolution No. 20140213-046 was approved on consent on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.

47. Approve a resolution directing the City Manager to identify feasible locations for smoke sensors, develop recommendations for implementing an early wildfire detection system, and negotiate with Travis County and other stakeholders to implement an early wildfire detection system. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley)

Resolution No. 20140213-047 was approved on consent on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.

48. Set a public hearing to consider an ordinance amending City Code Title 25 to allow mobile retail sale of goods and establish permitting requirements. (Suggested date and time: March 27, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for March 27, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

49. Set a public hearing under Section 2306.67071, Texas Government Code and Section 10.204(4), Texas Administrative Code, for an application to be submitted to the Texas Department of Housing and Community Affairs by Villages at Ben White, LP for a proposed 183-unit affordable senior housing development to be financed with tax-exempt bonds to be called the Villages at Ben White, located at 6934 East Ben White Boulevard. (Suggested date and time: February 27, 2014 beginning at 4 p.m. at Austin City Hall, 301 W. Second Street, Austin TX)
The public hearing was set on consent for February 27, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
50. Set a public hearing under Section 2306.67071, Texas Government Code and Section 10.204(4), Texas Administrative Code, for an application to be submitted to the Texas Department of Housing and Community Affairs by Ben White Development, LP for tax-exempt bond financing for a proposed 250-unit affordable multi-family development to be called the Pointe at Ben White, located at 7000 East Ben White Boulevard. (Suggested date and time: February 27, 2014 beginning at 4 p.m. at Austin City Hall, 301 W. Second Street, Austin TX)
The public hearing was set on consent for February 27, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
51. Set a public hearing under Section 2306.67071, Texas Government Code and Section 10.204(4), Texas Administrative Code, for an application to be submitted to the Texas Department of Housing and Community Affairs by Pedcor Investments-2012-CXXXI, LP for tax-exempt bond financing for a proposed 252-unit affordable multi-family development to be called William Cannon Apartments, located at 2112 East William Cannon Drive. (Suggested date and time: February 27, 2014 beginning at 4 p.m. at Austin City Hall, 301 W. Second Street, Austin TX)
The public hearing was set on consent for February 27, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
52. Set a public hearing under Section 2306.67071, Texas Government Code and Section 10.204(4), Texas Administrative Code, for an application to be submitted to the Texas Department of Housing and Community Affairs by Pedcor Investments-2012-CXXX, LP for tax-exempt bond financing for a proposed 252-unit affordable multi-family development to be called Parmer Place, located at 1500 East Parmer Lane. (Suggested date and time: February 27, 2014 beginning at 4 p.m. at Austin City Hall, 301 W. Second Street, Austin TX)
The public hearing was set on consent for February 27, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
53. Set a public hearing to consider an ordinance approving a site plan for a development project at 9512 FM 2222; superseding conflicting requirements of the City Code; and waiving City Code Section 25-1-502. (Suggested date and time: February 27, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin TX).
The public hearing was set on consent for February 27, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

- 54. Set a public hearing to consider an ordinance creating an economic development program for and authorizing the negotiation and execution of an Economic Development Agreement with Websense, Inc. (Suggested date and time: February 20, 2014, 1:30 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)

The public hearing was set on consent for February 20, 2014 at 1:30 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.

- 55. Set a public hearing to consider an ordinance creating an economic development program for and authorizing the negotiation and execution of an Economic Development Agreement with Dropbox, Inc. (Suggested date and time: February 20, 2014, 1:30 p. m. at Austin City Hall, 301 W. Second Street, Austin, TX)

The public hearing was set on consent for February 20, 2014 at 1:30 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.

Items 56 and 57 were items with closed public hearings

Items 58 and 59 were briefing items set for 10:30 a.m.

Items 60 through 62 were Executive Session items.

Items 63 through 81 were zoning items set for 2:00 p.m.

Item 82 was an AHFC item set for 3:00 p.m.

Items 83 through 89 were public hearing items set for 4:00 p.m.

Items 90 through 92 were addendum items.

DISCUSSION ITEMS

- 24. Authorize the Urban Renewal Agency of the City of Austin to negotiate and execute all documents and instruments necessary or desirable to sell an approximately 13,200-square-foot vacant lot, locally known as 1120 E. 12th Street, to BUTLER EQUITY HOLDINGS, LTD., in accordance with Local Government Code Section 374.017, in the amount of \$451,000, excluding any applicable closing costs, for the development of a five-story vertical mixed use building.

This item was postponed to February 27, 2014 with direction on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote. Direction was given to staff to contact the Urban Renewal Agency and have them provide the scoring that was given to each of the five proposals and to post the criteria on-line with the usual back-up when this item is reposted in 2 weeks.

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

This item was postponed to February 27, 2014 with direction on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote. Direction was given to staff to contact the Urban Renewal Agency and have them provide the scoring that was given to each of the five

proposals and to post the criteria on-line with the usual back-up when this item is reposted in 2 weeks.

CITIZEN COMMUNICATIONS: GENERAL

Kunda Wicce - 1000 MW gas-fired plant proposal

Homero Urbina - Homelessness and a jingle for the State of Texas car registration. All proceeds from the jingle will go to the State of Texas. **Not present when name was called.**

Robert Macdonald – Homelessness **Not present when name was called.**

Paul Robbins - City and budget issues

Mark McCammon – Surveillance **Not present when name was called.**

Alejandro Puyana - Sewage back-up

Kim Bernson - Damage to water pipes due to City of Austin Water dept.

Carlos León - 1.(Repent; place God front and center; Follow the Lord, Fight the enemy, Finish the race 2.) Stop Chemtrailing us; Stop poisoning us. 3.) Truth hammers lies.

Mike Johnson - Item 30253 Award of Domain District Cooling Plant

Ronnie Reefersed - Peace and love **Not present when name was called.**

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:30 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.

- 60. Discuss legal issues related to Open Government matters (Private consultation with legal counsel-Section 551.071 of the Government Code.)
This item was withdrawn.
- 61. Discuss legal issues related to the transition to electing the council from single-member districts (Private consultation with legal counsel - Section 551.071 of the Government Code.)
This item was withdrawn.
- 62. Discuss legal issues related to the July 26, 2013 officer-involved shooting (Private consultation with legal counsel-Section 551.071 of the Government Code).

The Mayor announced that Council would discuss item number 86 on the regular agenda during Executive Session.

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order a 2:54 p.m.

DISCUSSION ITEMS CONTINUED

15. Approve settlement of a claim from Alexandria Gladney against the City of Austin (Related to the July 26, 2013 officer-involved shooting).
This item was withdrawn without objection.

ZONING ORDINANCES / RESTRICTIVE COVENANTS

63. C14-2013-0133 - 920 E. 53rd Street - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 920 East 53rd Street (Tannehill Branch Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. First Reading approved on January 23, 2014. Vote: 6-0, Mayor Leffingwell was absent. Owner/Applicant: Pamela Romero and Richard Kallus. City Staff: Wendy Rhoades, 512-974-7719.
Ordinance No. 20140213-063 for single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
64. C14-2013-0138 - Nightcap Dessert Lounge - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1401 West 6th Street (Lady Bird Lake Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. First Reading approved on January 23, 2014. Vote: 6-0, Mayor Leffingwell was absent. Owner/Applicant: AGSA Group, L.L.C. (Gretchen Alley). Agent: Christin Rowan. City Staff: Sherri Sirwaitis, 512-974-3057.
Ordinance No. 20140213-064 for community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
65. C814-88-0001.10 - Canyons @ Rob Roy Rezoning - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 800 North Capital of Texas Highway (Bee Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. First Reading approved on January 30, 2014. Vote: 7-0. Owner: Brandywine Acquisition Partners (Ralph Bistline). Applicant: G5 Texas Development, L.L.C. (Jim Gallegos). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Wendy Rhoades, 512-974-7719. City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request.
The second reading of the ordinance for planned unit development (PUD) district zoning, to change a condition of zoning was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
66. C814-88-0001(RCA) - Canyons @ Rob Roy Rezoning - Conduct a public hearing and approve a restrictive covenant amendment on property locally known as 800 North Capital of Texas Highway (Bee Creek Watershed) as it relates to certain uses and development standards. Staff Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Zoning and Platting Commission Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to certain uses and development standards. Owner: Brandywine Acquisition Partners (Ralph Bistline). Applicant: G5 Texas Development, L.L.C. (Jim Gallegos). Agent: Armbrust & Brown, PLLC (Richard Suttle). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Wendy Rhoades, 512-974-7719.
This item was postponed on consent to February 27, 2014 at the staff's request on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

67. NPA-2013-0005.02 - 2801 Montopolis Drive (Montopolis Reclaimed Water Tank) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20010927-05, the Montopolis Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 2801 Montopolis Drive (Carson Creek Watershed) from Industry to Civic land use. Staff Recommendation: To grant Civic land use. Planning Commission Recommendation: To grant Civic land use. Owner/Applicant: City of Austin, Austin Water Utility. Agent: Dan W. Pederson, P.E. (Austin Water Utility). City Staff: Maureen Meredith, 512-974-2695.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140213-067 to change the land use designation on the future land use map (FLUM) to Civic land use was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
68. C14-2013-0141 - Montopolis Reclaimed Water Tank - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2801 Montopolis Drive (Carson Creek Watershed) from limited industrial service-neighborhood plan (LI-NP) combining district zoning to public-neighborhood plan (P-NP) combining district zoning. Staff Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Planning Commission Recommendation: To grant public-neighborhood plan (P-NP) combining district zoning. Owner: City of Austin, Austin Water Utility. Applicant: Austin Water Utility (Dan Pedersen, P.E.). City Staff: Lee Heckman, 512-974-7604.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140213-068 for grant public-neighborhood plan (P-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
69. NPA-2013-0010.01 - 2416 East Sixth Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 011213-43, the Holly Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally know as 2416 East 6th Street (Lady Bird Lake Watershed) from Industry to Mixed Use land use. Staff Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: 2416 East Sixth Street, LP. Agent: Big Red Dog Engineering (Bob Brown). City Staff: Maureen Meredith, (512) 974-2695.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140213-069 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
70. C14-2013-0083 - 2416 E. 6th Street - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2416 E. 6th Street (Lady Bird Lake Watershed) from limited industrial services-conditional overlay-neighborhood plan (LI-CO-NP) combining district zoning to general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning, as amended. Staff Recommendation: To recommend general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning. Planning Commission Recommendation: To recommend general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning. Owner: 2416 East Sixth Street LP (M. Timothy Clark); Applicant: Big Red Dog - Austin, LLC (Bob Brown). City Staff: Heather Chaffin, 512-974-2122.
The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for general commercial services-vertical mixed use building-conditional overlay-neighborhood plan (CS-V-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

71. NPA-2013-0011.02 - 4914 Bennett Avenue (Tomlinson's Feed & Pets, Inc.) - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-30, the North Loop Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 4914 Bennett Avenue (Boggy Creek Watershed) from Single Family to Mixed Use land use. Staff Recommendation: To grant Mixed Use/Office land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Tomlinson's Feed & Pets, Inc. (Scott Click). Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, 512-974-2695.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140213-071 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
72. C14-2013-0021 - Tomlinson's Feed & Pets Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4914 Bennett Avenue (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use-neighborhood plan (GO-MU-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. Applicant: Tomlinson's Feed & Pets, Inc. (Scott Click). Agent: Thrower Design (Ron Thrower). City Staff: Jerry Rusthoven, 512-974-3207.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140213-072 for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning was approved with an additional condition on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais. The additional condition was to limit the building height to 32 feet or 2 stories in height.
74. C14-2013-0113 - Lamar Center - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 11421 and 11423 North Lamar Boulevard (Walnut Creek Watershed) from neighborhood commercial (LR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To be reviewed on April 1, 2014. Owner/Applicant: Rundberg Square LLC (Son Thai). City Staff: Sherri Sirwaitis, 512-974-3057.
This item was postponed on consent to April 10, 2014 at the staff's request on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
75. C14-2013-0136 - Austin Elm Terrace, LP - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3215 Exposition Boulevard (Taylor Slough South Watershed) from unzoned (UNZ) and family residence (SF-3) district zoning to multi-family residence-low density (MF-2) district zoning. Staff Recommendation: To grant townhouse & condominium residence-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To be reviewed on February 25, 2014. Owner/Applicant: Austin Elm Terrace, LP (Steve Beuerlein). Agent: Husch Blackwell, LLP (Jerry L. Harris). City Staff: Sherri Sirwaitis, 512-974-3057.
This item was postponed on consent to March 6, 2014 at the staff's request on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

76. C14-2013-0146 - Volente Business Park - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 11901 Anderson Mill Road (Lake Travis Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning for Tract 1 and commercial-liquor sales (CS-1) district zoning for Tract 2. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Owner/Applicant: Johnson Four Corners (Brent Johnson). Agent: McLean & Howard, LLP (Jeffrey S. Howard). City Staff: Sherri Sirwaitis, (512) 974-3057.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140213-076 for community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2 was approved on consent with the following amendment on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais. The amendment was to have part 2 of the ordinance read, "The Property within the boundary of the conditional overlay combining district established by this ordinance is subject to the following condition: A site plan or building permit for the Property may not be approved, released, or issued, if the completed development or uses of the Property, considered cumulatively with all existing or previously authorized development and uses, generate traffic that exceeds 2,000 trips per day, unless a Transportation Impact Analysis (TIA) is submitted and approved by the director of the Planning and Development Review Department."
79. C14-2013-0150 - Bethany United Methodist Church - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 9908-10010 Anderson Mill Road (Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning, with conditions. Owner/Applicant: Bethany United Methodist Church, Chair-Board of Trustees (David M. Lee). Agent: Austin Civil Engineering (Keith Parkan). City Staff: Sherri Sirwaitis, 512-974-3057.
The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for grant limited office-conditional overlay (LO-CO) combining district zoning, with conditions was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
80. C14-2013-0151 - Cedar Bend Ambulatory Surgery Center - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2410 Cedar Bend Drive (Walnut Creek Watershed) from neighborhood commercial-conditional overlay (LR-CO) combining district zoning to general office-conditional overlay (GO-CO) combining district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Owner/Applicant: Austin Diagnostic Clinic (John Ratcliff). Agent: Winstead, P.C. (Amanda Swor). City Staff: Sherri Sirwaitis, 512-974-3057.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140213-080 for general office-conditional overlay (GO-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.
81. C814-2008-0087.01 - South Shore District PUD Amendment (South Shore Subdivision Section One) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1201 Town Creek Drive from planned unit development-neighborhood plan (PUD-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP)

combining district zoning, to change a condition of zoning. Staff Recommendation: To grant the PUD amendment, adding site development regulations for townhouse use, to the Land Use Plan for Area 7. Planning Commission Recommendation: To grant the PUD amendment, adding site development regulations for townhouse use, to the Land Use Plan for Area 7. Owner: Sage South Shore, LLC. Applicant: Metcalfe, Wolff, Stuart, & Williams, LLP (Michele Rogerson Lynch). City Staff: Lee Heckman, 512-974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140213-081 for PUD amendment, adding site development regulations for townhouse use, to the Land Use Plan for Area 7 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.

BRIEFINGS

58. Economic Development Annual Report
The presentation was made by Kevin Johns, Director, Economic Development Department and Michele Skelding, Senior Vice President – Global, Austin Chamber of Commerce.
59. Staff presentation regarding a proposal to create an economic development program for Websense and an economic development program for Dropbox. (Public comment is permitted on this staff presentation).
The presentation was made by David Colligan, Global Business Recruitment and Enhancement Manager, Economic Development Department.

DISCUSSION ITEMS CONTINUED

36. Authorize award, negotiation and execution of a contract with JOHNSON CONTROLS INC. or another qualified offeror to RFP No. OPJ0107, for the purchase and installation of a 2500 ton chiller to be installed at Austin Energy's Domain District Cooling Plant, in an amount not to exceed \$2,402,517. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 1.08% MBE and 6.17% WBE subcontractor participation.) Approved by the Electric Utility Commission on a 7-0 vote.
The motion authorizing the award, negotiation and execution of a contract with Johnson Controls Inc. was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.
43. Approve an ordinance authorizing the waiver of certain fees and requirements under City Code Chapter 14-8, authorizing the waiver of certain other fees and requirements, and authorizing payment of certain costs for the City co-sponsored 2014 South by Southwest Conferences and Festivals, to be held March 7-16, 2014. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Mike Martinez)
Ordinance No. 20140213-043 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION

Items 83, 85 and 87 were acted on in a combined motion.

83. Conduct a public hearing and consider an ordinance amending City Code Title 25 to allow temporary staging of equipment for municipal and utility projects on non-City-owned property.
This item was postponed indefinitely on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
85. Conduct a public hearing and consider an ordinance amending City Code Title 25 to allow breweries to sell alcoholic beverages produced on-site, for on-site consumption.

This item was postponed to March 20, 2014 on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.

- 87. Conduct a public hearing and consider an ordinance to amend City Code Title 25 to allow placement of accessible ramps in required yards setback.

This item was postponed to February 27, 2014 on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS

- 56. Approve third reading of ordinance amending City Code Chapter 25-2, Subchapter C, Article 3, Division 9 (University Neighborhood Overlay District Requirements) relating to affordable housing regulations in the university neighborhood overlay (UNO) district. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON AUGUST 22, 2013.

Ordinance No. 20140213-056 was approved with the following amendments on Council Member Riley’s motion, Council Member Morrison’s second on a 7-0 vote.

There was a motion made by Council Member Riley and seconded by Council Member Spelman to amend the ordinance as follows. The amendment passed on a vote of 5-2. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. The amendment was to add a new subdivision (3) to subsection (D) in Part 2 of the ordinance to read:

“(3) For existing UNO developments that opt in to leasing by the bedroom for the remainder of their commitment:

- (a) Rents for single occupancy rental units for households who are at or below 60 percent of the median family income may not exceed the high HOME rent limit for a one bedroom as established annually by the Texas Department of Housing and Community Affairs; and**
- (b) Rents for single occupancy rental units for households who are at or below 50 percent of the median family income may not exceed the 40% MFI HOME rent limit for an efficiency as established annually by the Texas Department of Housing and Community Affairs.**
- (c) The director may adopt administrative rules necessary to enforce these provisions.**

There was an amendment made by Council Member Riley and seconded by Mayor Pro Tem Cole to direct the City Manager to use the City’s rules process for the administrative guidelines for implementing the units. The amendment failed on a vote of 3-4. Those voting aye were: Mayor Pro Tem Cole and Council Members Riley and Tovo. Those voting nay were: Mayor Leffingwell and Council Members Martinez, Morrison and Spelman.

There was a friendly amendment made by Council Member Riley to have part 2, section 25-2-765, (A) of the ordinance amended to include the date of the ordinance. The amendment was accepted by Council Member Morrison, who made the second.

Mayor Leffingwell recessed the Council Meeting for Live Music and Proclamations at 5:24 p.m.

LIVE MUSIC

Sphynx

PROCLAMATIONS

Proclamation -- Engineering Week and Distinguished Service Award - Rick McMaster -- to be presented by Mayor Lee Leffingwell and to be accepted by Rick McMaster

Distinguished Service Award -- Matt Hinsley, Austin Guitar Society -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- Austin Energy Regional Science Festival -- to be presented by Mayor Lee Leffingwell and to be accepted by Ingrid Weigand

Proclamation -- Wildlife Austin Habitat Challenge Winners -- to be presented by Mayor Lee Leffingwell and to be accepted by representatives of the Windsor Park and Mueller neighborhoods

Proclamation – Cactus Café’s 35th Anniversary – to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Matt Munoz, Chris Lueck, Susan Svedman

Proclamation – International Women’s Day (Connecther) -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Lila Ingram

Proclamation – V-Day – to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Laramie Gorbett

Mayor Leffingwell called the Council Meeting back to order at 7:07 p.m.

DISCUSSION ITEMS CONTINUED

Items 90 through 92 were acted on in a combined motion.

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

This item was postponed to February 27, 2014 on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote. Direction was given to staff to consider options on creating a shorter time limit for an appeal.

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

This item was postponed to February 27, 2014 on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote. Direction was given to staff to within the next 2 weeks meet with the stakeholders to identify any conflicts.

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

This item was postponed to February 27, 2014 on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote. Direction was given to staff to within the next 2 weeks meet with the stakeholders to identify any conflicts.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors’ Meeting of the Austin Housing Finance Corporation to order at 7:41 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 7:51 p.m.

DISCUSSION ITEMS CONTINUED

Items 17 through 21 were acted on in a combined motion.

17. Approve a resolution for the commitment of a loan in an amount not to exceed \$2,000,000 to Foundation Communities, Inc. for a proposed 120-unit affordable rental development, to be known as Bluebonnet Studios, located at 2301 South Lamar Boulevard, with funding being conditional upon the award of tax credits to Foundation Communities, Inc. by the Texas Department of Housing and Community Affairs for the proposed project.
Resolution No. 20140213-017 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
18. Approve a resolution for the commitment of a loan in an amount not to exceed \$1,860,000 to Foundation Communities, Inc. for a proposed 124-unit affordable rental development, to be known as Cardinal Point, located at 11108 and 11300 Zimmerman Lane, with funding being conditional upon the award of tax credits to Foundation Communities, Inc. by the Texas Department of Housing and Community Affairs for the proposed project.
Resolution No. 20140213-018 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Riley voted nay.
19. Approve a resolution for the commitment of a loan in an amount not to exceed \$1,250,000 to Foundation Communities, Inc. for a proposed 60-unit expansion of its existing multi-family development, Southwest Trails, to be known as Southwest Trails Phase II, located at 8500 U.S. Highway 71, with funding being conditional upon the award of tax credits to Foundation Communities, Inc. by the Texas Department of Housing and Community Affairs for the proposed project.
Resolution No. 20140213-019 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Riley voted nay.
20. Approve a resolution for the commitment of a loan in an amount not to exceed \$2,200,000 to DDC Merritt Lakeline Station, Ltd. for a proposed 200-unit mixed-income rental development, Merritt Lakeline Station Apartments, located at 10701 Lakeline Mall Drive, with funding being conditional upon the award of tax credits to DDC Merritt Lakeline Station, Ltd. by the Texas Department of Housing and Community Affairs for the proposed project.
Resolution No. 20140213-020 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
21. Approve a resolution for the commitment of a loan in an amount not to exceed \$2,475,000 to Foundation Communities, Inc. for a proposed 150-unit affordable rental development, to be known as Rutledge Spur Apartments, located at the northeast corner of Rutledge Spur and FM 620, with funding being conditional upon the award of tax credits to Foundation Communities, Inc. by the Texas Department of Housing and Community Affairs for the proposed project.
Resolution No. 20140213-021 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

ZONING DISCUSSION ITEMS CONTINUED

73. C14-2013-0107 - 600 Kemp Street - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 600 Kemp Street (Country Club West Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning. Staff Recommendation: To grant townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning, with conditions. Planning Commission Recommendation: To be reviewed on

February 11, 2014. Owner: Kemp Street Properties, LLC. Applicant: Thrower Design (Ron Thrower). City Staff: Lee Heckman, 512-974-7604. A valid petition has been filed in opposition to this rezoning request.

This item was postponed to March 6, 2014 on Council Member Morrison’s motion, Council Member Spelman’s second on a 7-0 vote.

- 77. C14-2013-0148 - Dabney Horne House - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 507 West 23rd Street (Shoal Cre-0 vote.ek Watershed) from general office-conditional overlay-historic landmark-neighborhood plan (GO-CO-H-NP) combining district zoning to general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To forward without a recommendation. Owner: University Cooperative Society, Inc. (George Mitchell). Applicant: Mike McHone Real Estate (Mike McHone). City Staff: Heather Chaffin, 512-974-2122.

The public hearing was conducted and the motion to deny the rezoning was approved on Council Member Morrison’s motion, Mayor Leffingwell’s second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Morrison and Tovo. Those voting nay were: Council Members Riley and Spelman.

- 78. C14-91-0038 (RCT) - Dabney Horne House - Conduct a public hearing and approve a restrictive covenant termination on property locally known as 507 West 23rd Street (Shoal Creek Watershed). Staff Recommendation: To grant the restrictive covenant termination. Planning Commission Recommendation: To grant the restrictive covenant termination. Owner: University Cooperative Society, Inc. (George Mitchell). Applicant: Mike McHone Real Estate (Mike McHone). City Staff: Heather Chaffin, 512-974-2122.

This item was withdrawn on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

- 84. Conduct a public hearing and consider an ordinance amending Chapter 25-2 regarding density bonus regulations in the Downtown Density Bonus Program and the Rainey Street Subdistrict.

The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance was approved 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 unanimously.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

- 88. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-10 to establish regulations for special event signs.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20140213-088 with the following amendments was approved on Council Member Martinez’ motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

The amendments were:

Part 3, section 25-10-158(A) should read, “A permit may be issued under this section only for a sign to be used at a permitted special event that meets the criteria specified in Paragraphs (b) and (c) of Section 25-10-3(17) (Definitions) and includes public streets that have been closed to traffic in accordance with title 14 (use of streets and public property).”

Amend part 3, section 25-10-158(5)(c) of the ordinance by removing the words “include interactive functions or”.

Part 3, section 25-10-158(C)(2) should read, “A non-projected special event sign may be used to identify the special event and provide directions to activities occurring at the special event. Advertising of a business, person, activity, goods, products, or services that are located within the boundaries of the permitted special event may appear on no more than 20% of the sign area.”

89. Conduct a public hearing and consider an ordinance approving a consent agreement for the Cascades Municipal Utility District No. 1 ("MUD") subject to adoption of an ordinance approving a strategic partnership agreement between the City and the MUD.

The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance was approved on Council Member Martinez’ motion, Mayor Pro Tem Cole’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.

Direction was given to staff to:

- **Work towards an agreement that includes a connection across the creek for pedestrians and potentially golf carts.**
- **Conduct an analysis with the applicant of the tax implications when the consent agreement is brought back to Council.**

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS CONTINUED

57. Approve second and third readings of an ordinance to annex the Cascades at Onion Creek annexation area for full purposes (approximately 136 acres in southern Travis County east of IH 35 South approximately four tenths of a mile south of the intersectin of IH 35 South and Onion Creek Parkway). THE PUBLIC HEARINGS FOR THIS ITEM WERE HELD AND CLOSED ON OCTOBER 17, 2013 AND OCTOBER 23, 2013. Related to Item #89

No action was taken.

PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

86. Conduct a public hearing and consider an ordinance amending City Code Title 25 to amend the occupancy limit for unrelated individuals in single-family zoned property.

The public hearing was conducted and there was a motion made by Council Member Riley and seconded by Council Member Martinez to close the public hearing and approve the ordinance including the following.

The motion included:

**Planning Commission recommendation using the McMansion boundaries;
Unrelated persons limit of 4 on single family zoned properties; and
Staff recommendation on grandfathering.**

There was a friendly amendment made by Mayor Pro Tem Cole to approve this item on first reading only. The amendment was accepted by the maker of the motion and Council Member Martinez, who made the second.

Direction was given to staff to:

- **Have the economic impact analysis completed.**
- **Provide an analysis of other potential boundary limits.**
- **Look at demolition permits to determine where the tear down problems are occurring in order to fix the area where the major issues are.**

There was a motion made by Council Member Spelman and seconded by Mayor Pro Tem Cole to amend the main motion by instead of using the McMansion as boundaries limit the boundaries to CANPAC, Hyde Park, Northfield, North Loop and Ridge Top. The motion failed on a vote of 3-4. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Spelman. Those voting nay were: Council Members Martinez, Morrison, Riley and Tovo.

There was a motion made by Council Member Morrison and seconded by Council Member Riley to amend the language of part (D) so that for two family residential and sites with a secondary apartment no more than four can be on the site and it does not matter how they are split up. The motion passed on a 7-0 vote.

There was a motion made by Council Member Morrison and seconded by Council Member Tovo to amend the main motion by removing the two year limit included by the Planning Commission. The motion failed on a vote of 2-5. Those voting aye were: Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman.

There was a friendly amendment made by Mayor Pro Tem Cole to have part (C) of the ordinance read “no more than four unrelated persons may reside on a site with a duplex residential use...” The motion was accepted by the maker of the motion and Council Member Martinez, who made the second.

There was a motion made by Council Member Spelman and seconded by Mayor Leffingwell to amend the ordinance by removing the words “or short term rental use” from section 25-2-511(B). The amendment was later withdrawn by Council Member Spelman.

There was a motion made by Mayor Pro Tem Cole and seconded by Council Member Spelman to have staff provide an economic and affordability analysis and to not hold the second and third reading of the ordinance until April 17, 2014. The motion failed on a vote of 3-4. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Spelman. Those voting nay were: Council Members Martinez, Morrison, Riley and Tovo.

There was a friendly amendment made by Council Member Riley to bring this item back for second reading on March 20, 2014. The amendment was not accepted by Council Member Martinez, who made the second.

There was a motion made by Council Member Riley and seconded by Mayor Pro Tem Cole to conduct the economic analysis and to bring this item back for second reading on March 20, 2014. The motion passed on a vote of 6-1. Council Member Martinez voted nay.

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

Mayor Leffingwell adjourned the meeting at 2:20 a.m. without objection.

The minutes were approved on this the 27th day of February, 2014 on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.