



**AUSTIN CITY COUNCIL
MINUTES**

**REGULAR MEETING
THURSDAY, FEBRUARY 26, 2015**

Invocation: Rev. Carolyn Donovan, of St. Martin’s Lutheran 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 26, 2015 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Adler called the Council Meeting to order at 10:20 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 February 9, 2015, work session of February 10, 2015 and regular meeting of February 12, 2015.
The minutes from the City Council special called meeting of February 9, 2015, work session of February 10, 2015 and regular meeting of February 12, 2015 were approved on consent on Council Member Gallo’s motion, Council Member Zimmerman’s second on an 11-0 vote.

Item 2 was pulled for discussion.

- 3. Authorize award and execution of a construction contract with SMITH CONTRACTING CO., INC. for the Mabel Davis Channel Structure Reconstruction and Retrofit Project in the amount of \$367,140 (base bid plus alternates) plus an \$18,357 contingency, for a total contract amount not to exceed \$385,497. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program by meeting the goals with 5.72% MBE and 1.92% WBE participation.)
The motion authorizing the award and execution of a construction contract with Smith Contracting Co., Inc. was approved on consent on Council Member Gallo’s motion, Council Member Zimmerman’s second on a 10-0 vote. Council Member Zimmerman abstained.
- 4. Authorize award and execution of a construction contract with R.E.C. INDUSTRIES, INC. for the Austin-Bergstrom International Airport Terminal Boiler Replacement Project in the amount of \$422,487 plus a \$42,248 contingency, for a total contract amount not to exceed \$464,735. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A Minority Owned and Women Owned Business Enterprise Procurement Program through the achievements of Good Faith Efforts with 0.97% MBE and 16.99% WBE participation.)

The motion authorizing the award and execution of a construction contract with R.E.C. Industries, Inc. was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.

5. Authorize negotiation and execution of an interlocal agreement with Austin Independent School District for the provision of emergency medical technician-basic training at an Austin Independent School District high school for an initial term of one year, with two 12-month renewal options.
The motion authorizing the negotiation and execution of an interlocal agreement with Austin Independent School District was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.
6. Approve an ordinance authorizing acceptance of \$91,894 in grant funds from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION, and amending the Fiscal Year 2014-2015 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to appropriate \$91,894 for the Ryan White Part A HIV Emergency Relief Grant Program and Minority AIDS Initiative that provides medical and supportive services to people with the human immunodeficiency virus.
Ordinance 20150226-006 was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

Item 7 was pulled for discussion.

8. Approve a resolution renaming the Zilker Park Clubhouse located at 200 Zilker Clubhouse Road.
Resolution 20150226-008 was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.
9. Approve a resolution renaming the Parks and Recreation Department Main Office located at 200 South Lamar Boulevard.
Resolution 20150226-009 was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

Item 10 was pulled for discussion.

11. Authorize negotiation and execution of a Parkland Improvement and Land Use Agreement with the Lonestar Soccer Club of Austin in connection with the use of the Slaughter Creek Fields.
The motion authorizing the negotiation and execution of a Parkland Improvement and Land Use Agreement with the Lonestar Soccer Club of Austin was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

Items 12 through 14 were pulled for discussion.

15. Approve an ordinance amending the Fiscal Year 2014-2015 Public Works Department Capital Budget (Ordinance No. 20140908-002) to appropriate \$85,584 from contributions for use in the Americans with Disability Act (ADA) Sidewalk Transition Program which implements the council- adopted Sidewalk Master Plan and ADA Transition Plan to bring sidewalks into compliance with the ADA.
Ordinance 20150226-015 was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

Item 16 was pulled for discussion.

Action was taken on item 17 but was reconsidered later in the meeting. See below.

18. Authorize award and execution of a 36-month contract with TEXAS INDUSTRIES FOR THE BLIND AND HANDICAPPED INDUSTRIES, INC. to provide for right-of-way and orphan property maintenance services in an amount not to exceed \$1,250,001, with three 12-month extension options in an amount not to exceed \$416,667 per extension option, for a total contract amount not to exceed \$2,500,002. (Notes: This contract is exempt from City Code Chapter 2-9C Minority-Owned and Women-Owned Business Enterprise Procurement Program as specified in Texas Local Government Code Chapter 252.022.)

The motion authorizing the award and execution of a contract with Texas Industries for the Blind and Handicapped Industries, Inc. was approved on consent on Council Member Gallo’s motion, Council Member Zimmerman’s second on a 10-0 vote. Council Member Zimmerman abstained.

Items 19 through 21 were pulled for discussion.

22. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with FARBER SPECIALTY VEHICLES for a van in an amount not to exceed \$149,983. (Notes: This cooperative 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 through the Texas Local Government Purchasing Cooperative (BuyBoard) with Farber Specialty Vehicles was approved on consent on Council Member Gallo’s motion, Council Member Zimmerman’s second on an 11-0 vote.

Item 23 was pulled for discussion.

24. Authorize award and execution of a contract in accordance with Texas Local Government Code Section 271.901 with TEXAS METER & DEVICE CO. LLC, WATTHOUR ENGINEERING COMPANY, INC., or RADIAN RESEARCH, INC., who submitted identical bids, to provide portable three-phase meter testers/analyzers for Austin Energy in an amount not to exceed \$62,036. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D Minority-Owned and Women-Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

This item was withdrawn on consent on Council Member Gallo’s motion, Council Member Zimmerman’s second on an 11-0 vote.

25. Authorize award and execution of two contracts through the Houston-Galveston Area Council Cooperative for heavy duty equipment with CLOSNER EQUIPMENT CO INC. for the purchase of one slip form paver in an amount not to exceed \$354,635 and SANTEX TRUCK CENTER, LTD. for the purchase of six heavy duty vehicles in an amount not to exceed \$624,147, for a total amount not to exceed \$978,782. (Notes: This cooperative 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 two contracts through the Houston-Galveston Area Council Cooperative with Closner Equipment Co Inc and Santex Truck Center, LTD was approved on consent on Council Member Gallo’s motion, Council Member Zimmerman’s second on a 10-0 vote. Council Member Zimmerman abstained.

Item 26 was pulled for discussion.

27. Authorize award and execution of four contracts through Texas Multiple Award Schedule Cooperative for medium and heavy duty vehicles and pieces of equipment with AMERICAN MATERIAL HANDLING, INC. for four pieces of equipment in an amount not to exceed \$124,083, POLARIS SALES, INC. for two all-terrain vehicles in an amount not to exceed \$29,526, TENNANT SALES AND SERVICE

COMPANY for four sweepers in an amount not to exceed \$91,805, and TIME MANUFACTURING, CO. DBA VERSALIFT SOUTHWEST for two aerial lift trucks in an amount not to exceed \$203,975, for a total amount not to exceed \$449,389. February 23, 2015 – Recommended by the Electric Utility Commission on a vote of 5-0 with Commissioners Meijer and Rai absent. (Notes: This cooperative 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 four contracts through Texas Multiple Award Schedule Cooperative with American Material Handling, Inc.; Polaris Sales, Inc; Tennant Sales and Service Company; and Time Manufacturing, Co. doing business as Versalift Southwest was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.

28. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative BuyBoard Program with FSG ENERGY, FACILITY SOLUTIONS GROUP for the installation of 90 remote telemetry units in an amount not to exceed \$242,334. (Notes: This cooperative 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 contract through the Texas Local Government Purchasing Cooperative BuyBoard Program with FSG Energy, Facility Solutions Group was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.

Item 29 was pulled for discussion.

30. Authorize award and execution of a 12-month contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with ARNOLD OIL COMPANY OF AUSTIN, LP for oil, grease, and lubricants in an amount not to exceed \$349,031, with two 12-month extension options in a total amount not to exceed \$349,031 per extension option, for a total contract amount not to exceed \$1,047,093. (Notes: This cooperative 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 through the Texas Local Government Purchasing Cooperative (BuyBoard) with Arnold Oil Company of Austin, LP was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on a 10-0 vote. Council Member Zimmerman abstained.

31. Authorize award, and execution of a 30-month interlocal agreement with the TEXAS FACILITIES COMMISSION to provide the disposal of the City's surplus property in an amount not to exceed \$62,500, with three 24-month extension options in an amount not to exceed \$50,000 per extension option, for a total contract amount not to exceed \$212,500. (Notes: This contract is exempt from City Code Chapter 2-9D Minority-Owned and Women-Owned Business Enterprise Procurement Program..)

The motion authorizing the award and execution of an interlocal agreement with the Texas Facilities Commission was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

32. Authorize award, negotiation, and execution of a contract with HUNDEN STRATEGIC PARTNERS, or one of the other qualified offerors to RFP No. TVN0041, to complete a feasibility study for the Travis County Exposition Center and surrounding property, for a total contract amount not to exceed \$125,000. (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 solicitation.)

The motion authorizing the award, negotiation and execution of a contract with Hunden Strategic Partners was approved on consent on Council Member Gallo’s motion, Council Member Zimmerman’s second on an 11-0 vote.

- 33. Approve appointments and certain related waivers to citizen boards and commissions, to Council committees and other intergovernmental bodies and removal and replacement of members.
The following appointments were approved on consent on Council Member Gallo’s motion, Council Member Zimmerman’s second on an 11-0 vote.

Nominations

Board/Nominee

Nominated by

Austin Integrated Water Resource
Planning Community Task Force
Kate Zerrenner

Council Member Pool

Austin Integrated Water Resource
Planning Community Task Force
Lauren Ross

Council Member Kitchen

Item 34 was pulled for discussion.

- 35. Approve a resolution authorizing the City Manager to negotiate and execute an agreement with The Mayor's Better Austin Foundation Inc. to accept donated staff for the public purpose of assisting the new council committees and providing other policy support. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Leslie Pool CO 2: Council Member Gregorio Casar CO 3: Council Member Sheri Gallo)
This item was withdrawn on consent on Council Member Gallo’s motion, Council Member Zimmerman’s second on an 11-0 vote.

Item 36 was pulled for discussion.

- 37. Approve an ordinance waiving or reimbursing certain fees for the Central Austin Sox baseball practice sponsored by Conrad Sanchez which was held on Saturday, November 15, 2014 at the Govalle Baseball Fields. (Notes: SPONSOR: Council Member Sabino "Pio" Renteria CO 1: Council Member Gregorio Casar CO 2: Council Member Sheri Gallo CO 3: Council Member Ellen Troxclair)
Ordinance 20150226-037 was approved on consent on Council Member Gallo’s motion, Council Member Zimmerman’s second on an 11-0 vote.
- 38. Approve a resolution initiating amendments to City Code Title 25 related to adult oriented business use. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Don Zimmerman CO 2: Council Member Ora Houston CO 3: Mayor Steve Adler)
Resolution 20150226-038 was approved on consent on Council Member Gallo’s motion, Council Member Zimmerman’s second on an 11-0 vote.
- 39. Approve an ordinance waiving or reimbursing certain fees for the 2015 South Asian New Year Festival sponsored by Texas Bengali Cultural Alliance which is to be held Saturday, April 11, 2015 at Zilker Hillside Theater. (Notes: SPONSOR: Mayor Pro Tem Kathie Tovo CO 1: Council Member Gregorio Casar CO 2: Council Member Ann Kitchen CO 3: Mayor Steve Adler CO 4: Council Member Delia Garza)
Ordinance 20150226-039 was approved on consent on Council Member Gallo’s motion, Council Member Zimmerman’s second on an 11-0 vote.

Item 64 was pulled for discussion.

- 65. Cast lots and authorize award and execution of a contract in accordance with Texas Local Government Code Section 271.901 with TEXAS METER & DEVICE CO. LLC, WATTHOUR ENGINEERING COMPANY, INC., or RADIAN RESEARCH, INC., who submitted identical bids, to provide portable three-phase meter testers/analyzers for Austin Energy in an amount not to exceed \$62,036. February 23, 2015 – Recommended by the Electric Utility Commission on a vote of 5-0 with Commissioners Meijer and Rai absent.

The motion to cast lots and authorizing the award and execution of a contract in accordance with Texas Local Government with Watthour Engineering Company, Inc. was approved on consent on Council Member Gallo’s motion, Council Member Zimmerman’s second on an 11-0 vote.

Items 41 through 43 were Closed Public Hearings items.

Item 44 was an Executive Session item.

Items 45 through 61 were zoning items set for 2:00 p.m.

Items 62 and 63 were public hearing items set for 4:00 p.m.

Items 64 and 65 were addendum items.

DISCUSSION ITEMS

- 2. Authorize the use of the construction manager-at-risk method of contracting for construction of the new Parking Garage with Administration Offices Project at the Austin-Bergstrom International Airport.
There was a motion made by Council Member Zimmerman and seconded by Council Member Houston to refer to committee. The motion passed on a vote of 11-0.

- 7. Authorize negotiation and execution of a legal services agreement with Webb & Webb, Attorneys at Law, for legal representation, advice, and counsel relating to the administrative appeal to the Public Utility Commission of Texas of retail water and wastewater rates charged to customers within River Place, for a total contract amount not to exceed \$777,000.
There was a motion made by Council Member Zimmerman and seconded by Council Member Troxclair to refer to the Public Utilities Commission.

There was a substitute motion made by Mayor Pro Tem Tovo and seconded by Council Member Renteria to approve the motion authorizing the negotiation and execution of a legal services agreement with Webb & Webb, Attorneys at Law. The motion was approved on a vote of 9-2. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Troxclair and Zimmerman.

- 10. Authorize execution of an amendment to the August 2013 Parkland Improvement and Use Agreement with the West Austin Youth Association regarding Lamar Beach and Town Lake Metropolitan Park.
There was a motion made by Council Member Kitchen and seconded by Council Member Renteria to refer to committee. The motion passed on a vote of 11-0.

- 12. Approve an ordinance amending City Code Chapter 13-6 to authorize contracting with a private vendor to manage tow truck responses to accident scenes and other police requests for towing, and amending Ordinance No. 20140908-003, relating to nonconsent towing fees. Related to Item #17

There was a motion made by Council Member Pool and seconded by Council Member Houston to approve the ordinance.

There was a substitute motion made by Council member Zimmerman and seconded by Mayor Pro Tem Tovo to refer to committee. The motion passed on a vote of 11-0.

17. Authorize award, negotiation, and execution of a 36-month revenue contract with TEGSO, LLC DBA AUTORETURN, or another qualified offeror to RFP EAD0119REBID, for total management of dispatch, towing, and impound services for the Austin Police Department for estimated revenue of \$2,400,000, with three 12-month extension options with an estimated revenue of \$800,000 for each extension option, for a total estimated revenue amount of \$4,800,000. Related to Item #12. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C Minority-Owned and Women-Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award, negotiation and execution of a revenue contract with Tegso, LLC doing business as Autoreturn was approved on consent on Council Member Gallo's motion, Council Member Zimmerman's second on an 11-0 vote.

A motion to reconsider item 17 was approved on Council Member Casar's motion, Council Member Zimmerman's second on an 11-0 vote.

The motion to refer to committee was approved on Council Member Zimmerman's motion, Council member Garza's second on an 11-0 vote.

Items 13 and 14 were acted on in a combined motion.

13. Approve a resolution authorizing the application for and acceptance of \$100,000 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department Incident-Based Reporting Project. Related to Item #14.

Resolution 20150226-013 was approved on Council Member Gallo's motion, Council Member Renteria's second on an 11-0 vote.

14. Approve an ordinance accepting \$100,000 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division, Edward Byrne Justice Assistance Grant Program; and amending the Fiscal Year 2014-2015 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20140908-001) to appropriate \$100,000 for the Austin Police Department Incident-Based Reporting Project. Related to Item #13.

Ordinance 20150226-014 was approved on Council Member Gallo's motion, Council Member Renteria's second on an 11-0 vote.

16. Authorize award and execution of a 36-month contract with CDW GOVERNMENT, LLC., to provide electric visual display systems for Austin-Bergstrom International Airport in an amount not to exceed \$1,600,000, with two 12-month extension options in an amount not to exceed \$200,000 per extension option, for a total contract amount not to exceed \$2,000,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D Minority-Owned and Women-Owned Business Enterprise Procurement Program. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

There was a motion made by Council Member Zimmerman and seconded by Council Member Houston to refer to committee. The motion passed on a vote of 11-0.

19. Authorize award and execution of a 24-month contract with NEENAH FOUNDRY COMPANY to provide detectable warning plates in an amount not to exceed \$160,114, with two 12-month extension options in an amount not to exceed \$80,057 per extension option, for a total contract amount not to

exceed \$320,228. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9 D 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 Neenah Foundry Company was approved on Council Member Houston's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.

20. Authorize award, negotiation, and execution of three 24-month contracts with KEMA, INC., GDS ASSOCIATES, INC. and LEIDOS INC., or one of the other qualified offerors to RFP No. OPJ0112, for demand side management consulting services in an amount not to exceed \$1,000,000 each and combined with two 12-month extension options in an amount not to exceed \$500,000 each and combined, for a total amount not to exceed \$2,000,000. February 23, 2015 – Not recommended by the Electric Utility Commission on a vote of 3-2, with Commissioners Osborne and Hadden voting no and Commissioners Meijer and Rai absent. (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.)

There was a motion made by Council Member Kitchen and seconded by Council Member Zimmerman to refer to committee. The motion passed on a vote of 10-0. Council Member Houston was off the dais.

21. Authorize award and execution of a 36-month contract with MITCHELL ADDING MACHINE COMPANY, INC. DBA MITCHELL TIME & PARKING, to provide parking garage equipment maintenance and repair services and software maintenance and support services for Convention Center parking garages in an amount not to exceed \$678,816, with one 36-month extension option in an amount not to exceed \$218,548, for a total contract amount not to exceed \$897,634. (Notes: This contract will be awarded as a sole source and is exempt from City Code Chapter 2-9C Minority-Owned and Women-Owned Business Enterprise Procurement Program as specified in Texas Local Government Code Chapter 252.022.)

The motion authorizing the award and execution of a contract with Mitchell Adding Machine Company, Inc. doing business as Mitchell Time & Parking was approved on Council Member Renteria's motion, Mayor Pro Tem Tovo's second on an 11-0 vote.

23. Authorize award and execution of a 36-month contract with LONGHORN INTERNATIONAL TRUCKS LTD. to provide parts and repairs for Navistar engines in an amount not to exceed \$1,209,540, with three 12-month extension options in an amount not to exceed \$403,180 per extension option, for a total contract amount not to exceed \$2,419,080. (Notes: This contract will be awarded as a sole source and is exempt from City Code Chapter 2-9C Minority-Owned and Women-Owned Business Enterprise Procurement Program as specified in Texas Local Government Code Chapter 252.022.)

The motion authorizing the award and execution of a contract with Longhorn International Trucks LTD was approved on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Zimmerman abstained.

CITIZEN COMMUNICATIONS: GENERAL

Jacque Benestante - Autism insurance coverage for City of Austin employees

John Goldstone - Renters unite; no homestead exemptions

Alan Roddy - City of Austin

Carlos León - 1) Glory to God, Jesus Christ, & The Holy Spirit 2) Cut down Chemtrails 3) Lose your marbles - Part II

Pat Johnson - Predatory towing with impunity public's rights violated

Joe Quintero - Greater East Austin Neighborhood Association

Sarah Cook - Code Compliance **Not present when name was called**

Dan Keshet - Inclusivity in City Government and Nondiscrimination Based on Property Ownership Status

Michael Fossum - Protecting heritage trees, balancing environment and people's needs **Not present when name was called**

Jerome Evans - Restoring America **Not present when name was called**

Mayor Adler recessed the Council Meeting to go into Executive Session at 12:36 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.

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

Executive Session ended and Mayor Adler called the Council Meeting back to order at 1:50 p.m.

DISCUSSION ITEMS CONTINUED

- 26. Authorize award and execution of 15 contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) for medium, and heavy-duty vehicles and pieces of equipment with CENTERLINE SUPPLY, LTD. for three striping machines in an amount not to exceed \$38,493, CENTRAL TEXAS EQUIPMENT for LED message boards and air compressors in an amount not to exceed \$275,390, CLARK EQUIPMENT COMPANY DBA BOBCAT COMPANY for one skid-steer loader and two utility vehicles in an amount not to exceed \$54,176, COOPER EQUIPMENT CO. for two crack sealers and one asphalt distributor in an amount not to exceed \$223,181, COUFAL PRATER EQUIPMENT, LTD. for four pieces of equipment and three all-terrain vehicles in an amount not to exceed \$91,563, JOHN WRIGHT ASSOCIATES, INC. for six vehicles in an amount not to exceed \$98,333, KINLOCH EQUIPMENT AND SUPPLY, INC. for eight sand spreaders in an amount not to exceed \$173,960, MAGNUM TRAILERS for eight trailers in an amount not to exceed \$48,025, PIONEER ATHLETICS for two paint striping machines in an amount not to exceed \$17,020, PROFESSIONAL TURF PRODUCTS for two mowers in an amount not to exceed \$105,412, RDO EQUIPMENT for 14 pieces of equipment in an amount not to exceed \$1,766,829, RIVER CITY MARKETING DBA MISSION GOLF CARS for one utility vehicle in an amount not to exceed \$14,562, R.S. EQUIPMENT CO. LLC for one trailer in an amount not to exceed \$12,415, VERMEER EQUIPMENT OF TEXAS, INC. for one brush chipper in an amount not to exceed \$34,885, and WIRTGEN AMERICA, INC. for three pieces of construction equipment in an amount not to exceed \$670,233 for a total amount not to exceed \$3,624,477. February 23, 2015 – Recommended by the Electric Utility Commission on a vote of 5-0 with Commissioners Meijer and Rai absent. (Notes: This cooperative 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 15 contracts through the Texas Local Government Purchasing Cooperative (BuyBoard) with Centerline Supply, LTD; Central Texas Equipment; Clark Equipment Company doing business as Bobcat Company; Cooper Equipment Co; Coufal Prater Equipment, LTD; John Wright Associates, Inc.; Kinloch Equipment and Supply, Inc.; Magnum Trailers; Pioneer Athletics; Professional Turf Products; RDO Equipment; River City Marketing doing business as Mission Golf Cars; R.S. Equipment Co. LLC; Vermeer Equipment of Texas, Inc.; and Wirtgen America, Inc. was approved on Council Member Renteria's motion, Council Member Houston's second on an 10-0 vote. Council Member Casar was off the dais.

29. Authorize award, negotiation, and execution of a 12-month contract with UNGERBOECK SYSTEMS INTERNATIONAL for the purchase and implementation of an event booking software system in an amount not to exceed \$600,000, with five 12-month extension options in an amount not to exceed \$120,000 each, for a total contract amount not to exceed \$1,200,000. (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 solicitation.)

The motion authorizing the award, negotiation and execution of a contract with Ungerboeck Systems International was approved on Mayor Pro Tem Tovo's motion, Council Member Renteria's second on a 10-0 vote. Council Member Casar was off the dais.

34. Approve an ordinance amending the fee schedule for temporary food permits. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison)

There was a motion made by Council Member Zimmerman to approve the ordinance. The motion died for lack of a second.

There was a motion made by Mayor Pro Tem Tovo and seconded by Council Member Garza to approve the rollback of fees to the 2014 fees as soon as logistically possible and to refer to the Impact Fee Advisory Board for the board to review the fee structure and come back to Council within two months with a proposal that will regain the lost revenue. The motion passed on a vote of 10-0. Council Member Houston abstained.

36. Approve a resolution directing the City Manager to estimate the costs to the City relating to uninsured City workers and to estimate the cost to provide health care coverage to all categories of City workers not currently offered coverage, (including part-time, temporary and contract workers) and including workers in all City entities (such as Austin Energy and Austin Water Utility) during the next budget cycle. (Notes: SPONSOR: Council Member Ann Kitchen CO 1: Council Member Sabino "Pio" Renteria CO 2: Council Member Delia Garza CO 3: Mayor Pro Tem Kathie Tovo CO 4: Council Member Gregorio Casar CO 5: Council Member Leslie Pool)

Resolution 20150226-036 was approved on consent on Council Member Kitchen's motion, Council Member Pool's second on a 10-0 vote. Council Member Zimmerman abstained.

ZONING CONSENT ITEMS

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

45. C14-2014-0192 - Harold's Rezoning - (District 10) - Approve second and third readings of an ordinance amending City Code Chapter 25-2 by zoning property locally known as 8611 North Mopac Expressway (Shoal Creek Watershed) from commercial-liquor sales (CS-1) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. First Reading approved on February 12, 2015. Vote: 11-0. Owner/Applicant: 8611 MoPac Investors, LP. Agent: Armbrust & Brown, PLLC (Amanda Morrow). City Staff: Sherri Sirwaitis, 512-974-3057.

Ordinance No. 20150226-045 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.

46. C14-72-204(RCA3) - 1401 South Pleasant Valley Road - (District 3) - Conduct a public hearing and approve a restrictive covenant amendment on property locally known as 1401 South Pleasant Valley Road and 4420 Elmont Drive (Country Club West Watershed). Staff Recommendation: To grant the restrictive covenant amendment. Planning Commission Recommendation: To grant the restrictive covenant amendment. Owner/Applicant: Kenmare Partners, Ltd. (Charlyn Daugherty). Agent: Armbrust & Brown, PLLC (Eric deYoung). City Staff: Wendy Rhoades, 512-974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt the restrictive covenant amendment was approved on consent on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.
47. NPA-2014-0015.01 - City School - (District 1) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20021107-Z-11 the East MLK Combined 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 6005 Wilcab Road (Fort Branch Watershed) from Industry to Commercial land use. Staff Recommendation: To deny Commercial land use. Planning Commission Recommendation: To be reviewed on March 24, 2015. Owner: Bill Gaston, Inc. (Brian Gaston). Applicant: City School (John Rees). Agent: McLean & Howard, LLP (Jeffrey S. Howard). City Staff: Maureen Meredith, 512-974-2695.
This item was postponed on consent to April 9, 2015 at the staff's request on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.
48. NPA-2014-0016.01 - 2nd and Broadway - (District 3) - Conduct a public hearing and approve an ordinance amending Ordinance No. 030327-12, the Govalle/Johnson Terrace Combined 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 203 Broadway and 2901 East 3rd Street (Colorado River Watershed) from Single Family to Mixed Use land use. Staff Recommendation: To grant Higher Density Single Family land use. Planning Commission Recommendation: To be reviewed on February 24, 2015. Owner/Applicant: McAdam's Enterprises, L.L.C. City Staff: Maureen Meredith, (512) 974-2695.
This item was postponed on consent to April 9, 2015 at the staff's request on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.
49. C14-2014-0115 - 2nd and Broadway - (District 3) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 203 Broadway and 2901 East 3rd Street (Colorado River 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 urban family residence-neighborhood plan (SF-5-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on February 24, 2015. Owner/Applicant: McAdams Enterprises, LLC (Casey McPherson). Agent: RJ Madden, Inc. (Amy Torres). City Staff: Heather Chaffin, 512-974-2122.
This item was postponed on consent to April 9, 2015 at the staff's request on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.
52. C14-2014-0111 - 4500 Speedway - (District 9) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4500 Speedway (Waller Creek Watershed) from family residence-neighborhood conservation combining district-neighborhood plan (SF-3-NCCD-NP) combining district zoning to neighborhood office-neighborhood conservation combining district-neighborhood plan (NO-NCCD-NP) combining district zoning. Staff Recommendation: To grant neighborhood office-neighborhood conservation combining district-neighborhood plan (NO-NCCD-NP)

combining district zoning, with conditions. Planning Commission Recommendation: To be reviewed on February 24, 2015. Owner: Navid Hoomanrad. Applicant/Agent: Husch Blackwell, LLP (Alexandra Jashinsky). City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed on consent to April 9, 2015 at the staff's request on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.

54. C14-2014-0175A - Scott Airport Parking - (District 2) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 2426 Cardinal Loop (Colorado River Watershed) from interim-rural residence (I-RR) district zoning to aviation services (AV) district zoning. Staff Recommendation: To grant aviation services (AV) district zoning. Zoning and Platting Commission Recommendation: To grant aviation services (AV) district zoning. Owner/Applicant: City of Austin-Aviation Department (Jim Smith). Agent: Scott Airport Parking, LLC (Chris Von Dohlen). City Staff: Wendy Rhoades, 512-974-7719.
This item was postponed on consent to April 9, 2015 at the council's request on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.
55. C14-2014-0175B - Scott Airport Parking - (District 2) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2411 and 2419 Cardinal Loop, and 2525 East State Highway 71 Westbound (Colorado River Watershed) from rural residence (RR) district zoning and community commercial-conditional overlay (GR-CO) combining district zoning to aviation services (AV) district zoning. Staff Recommendation: To grant aviation services (AV) district zoning. Zoning and Platting Commission Recommendation: To grant aviation services (AV) district zoning. Owner/Applicant: City of Austin-Aviation Department (Jim Smith). Agent: Scott Airport Parking, LLC (Chris Von Dohlen). City Staff: Wendy Rhoades, 512-974-7719.
This item was postponed on consent to April 9, 2015 at the council's request on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.
56. C14-2014-0176 - Cuellar Rezoning - (District 3) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 617 Thrasher Lane (Country Club East Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Staff Recommendation: To grant single-family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on February 24, 2015. Owner/Applicant: Susan C. Garza. Agent: I.T. Gonzalez Engineers (Bill Graham). City Staff: Tori Haase, 512-974-7691.
This item was postponed on consent to April 9, 2015 at the staff's request on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.
57. C14-2014-0185 - Parmer South Retail Lot 1 - (District 7) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 12601 Tech Ridge Boulevard (Walnut Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning. Owner: Parmer South 97 Ltd. (Grant Gottesman). Applicant/Agent: Jones & Carter, Inc. (James Schissler). City Staff: Sherri Sirwaitis, 512-974-3057.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20150226-057 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved on consent on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.
58. C14-2014-0195 - Audubon Square - (District 6) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 12425 Mellow Meadow Drive

(Lake Creek Watershed) from interim-rural residence (I-RR) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-medium density (MF-3) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density (MF-3) district zoning. Owner/Applicant: Investors Capital Group, LLC (Michael Christian/ Lindsay Gilmore). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20150226-058 for multi-family residence-medium density (MF-3) district zoning was approved on consent on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.

59. C14-2014-0196 - Polo Club - (District 6) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 8519 Cahill Drive (Lake Creek Watershed; Rattan Creek Watershed) from interim-rural residence (I-RR) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-medium density (MF-3) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density (MF-3) district zoning. Owner/Applicant: Investors Capital Group, LLC (Michael Christian/ Lindsay Gilmore). City Staff: Sherri Sirwaitis, 512-974-3057.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20150226-059 for multi-family residence-medium density (MF-3) district zoning was approved on consent on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.

60. C14-2014-0197 - Callahan's General Store of Austin, Inc. - (District 2) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 3329 East State Highway 71 Westbound (Colorado River Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation: To grant neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial (LR) district zoning. Owner/Applicant: Callahan's General Store of Austin, Inc. (Verlin Callahan). Agent: Metcalfe Stuart Wolff & Williams, LLP (Michele R. Lynch). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20150226-060 for neighborhood commercial (LR) district zoning was approved on consent on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.

61. C14-2015-0004 - Mesa Plaza Ltd. - (District 10) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 8030 Mesa Drive (Shoal Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Planning Commission Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Owner/Applicant: Mesa Plaza Ltd. (Rip Miller). Agent: Thrower Design (Ron Thrower). City Staff: Tori Haase, 512-974-7691.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for commercial-liquor sales (CS-1) district zoning was approved on consent on Council Member Pool's motion, Council Member Houston's second on an 11-0 vote.

DISCUSSION ITEMS CONTINUED

40. Approve a resolution directing the City Manager to identify funding options from the current budget for five full-time equivalent staff positions for the Mayor's Office and \$25,000 for each council office for the purpose of providing enhanced constituent services. (Notes: SPONSOR: Mayor Steve Adler CO 1: Council Member Leslie Pool CO 2: Council Member Sheri Gallo CO 3: Council Member Ann Kitchen)

There was a motion made by Mayor Adler and seconded by Council Member Kitchen to approve the resolution with the following amendment.

The amendments were:

“Be it Further Resolved:

The new staff positions will support council committees and major committee initiatives at the request of the committee chair in consultation with the Mayor.

Be it Further Resolved:

That the budgetary authorization by this resolution expires the end of the 2015 fiscal year, and the Audit and Finance Committee is to develop options for staffing the Mayor and Council members to be considered by Council for the 2016 budget cycle.

Be it Further Resolved:

The City Manager is directed to return to Council with an appropriate item for action on the regular council meeting agenda no later than March 12, 2015.”

There was an amendment made by Council Member Troxclair and seconded by Council Member Garza to have the resolution read as follows.

“Now, Therefore, Be it Resolved by the City Council of The City of Austin.

The City Manager is directed to identify funding options from the City of Austin FY 2014-2015 Operating Budget for five full-time equivalent employees to be employed within the Office of the City Clerk or the Office of the City Auditor to serve as Committee Coordinators for the Committees of the Austin City Council, the Offices of the Austin City Council Members, and the Office of the Mayor. Additionally, \$25,000 shall be provided to each Council office and the Mayor’s Office for the purpose of enhancing constituent services.

The City Manager is further directed upon identification of funding to provide the following structure for the Committee Coordinator positions:

1. Coordinator positions will be created from existing city funding sources via reprogrammed full-time equivalent positions and will be terminated upon approval of the 2015-2016 City Budget or by the end of the 2014-2015 fiscal year. Upon termination, those funds and positions will revert back to the originatng department.
2. The Department Head of the Department in which the selected employees are employed (henceforth “Department Head”) is directed to provide the full council with notification of applicant materials and is directed to perform interviews and selections within the normal scope of City Hiring Process.
3. The Department Head is directed to ensure that no single Coordinator position may receive a salary higher than that of the highest earning employee of the Austin City Council.
4. The Department Head is directed to, with the advice and consent of the Council, assign one Coordinator per two Council Committees, to serve as Point of Contact for those committees as well as Coordinator of all documents, research, and special projects as assigned by the full body of the committee to which the Coordinator is assigned.
5. The Department Head is directed to establish centrally located offices within walking distance of City Hall or within City Hall that are not directly within the offices of any Council Member nor the Mayor’s office, but are readily accessible to all members of the Council and their staffs.”

The following amendment by Council Member Tovo was discussed but not formally offered.

“The City Manager is directed to identify funding options from the City of Austin FY 2014-2015 Operating Budget for up to five full-time equivalent employees for the purpose of enhancing constituent services, serving as advisors in areas of specialized knowledge, and coordinating projects initiated by the Council as a whole.

Be it Further Resolved: That the five full-time equivalent employees will be appointed by and serve at the pleasure of the Council within the department and offices of the City Auditor.

Be it Further Resolved: Before appropriating any resources for these positions, the Council will review and/or develop a description of the functions, areas of focus, and process for how the staff will interact with the City Council and other city staff.

Be it Further Resolved: The five positions shall be reviewed annually as a part of the budget process, and should the Council as a whole find no compelling need for one or more positions and take affirmative action, that position shall revert back to the department from which it was transferred.”

There was an amendment made by Council Member Casar and seconded by Council Member Troxclair to refer the item to committee with the following friendly amendment.

There was a friendly amendment made by Council Member Pool to approve the resolution with the amendments made by Mayor Adler only, but send other proposed amendments to the Audit and Finance Committee. The amendment was not accepted by the maker of the motion.

There was a friendly amendment made by Council Member Zimmerman to bring the resolution back to Council on March 26, 2015. The amendment was accepted by the maker of the motion and Council Member Troxclair, who made the second.

Council Member Casar withdrew his amendment to refer this item to committee.

There was a friendly amendment made by Council Member Casar to amend the resolution as follows. The amendment was accepted by the maker of the motion and Council Member Kitchen, who made the second.

“Be it Further Resolved:

The new staff positions will support council committees and major committee initiatives at the request of a majority of the committee in consultation with the Mayor.

Be it Further Resolved:

That the budgetary authorization by this resolution expires the end of the 2015 fiscal year, and the Audit and Finance Committee is to develop options for staffing the Mayor and Council members to be considered by Council for the 2016 budget cycle.

Be it Further Resolved:

The City Manager is directed to return to Council with an appropriate item for action on the regular council meeting agenda no later than March 12, 2015.

Be it Further Resolved:

None of the new staff will be paid more than is currently being paid to any City Council or Mayor staff.”

There was a friendly amendment made by Council Member Tovo to amend the second “Be it Further Resolved” to read “That any budgetary authorization by this resolution expires the end of

the 2015 fiscal year, and the Audit and Finance Committee is to develop options for staffing for the Mayor and Council members to be considered by Council for the 2016 budget cycle.” The amendment was accepted by the maker of the motion and Council Member Kitchen, who made the second.

There was an amendment made by Council Member Troxclair and seconded by Council Member Garza to refer this item with the amendments and friendly amendments to the Audit and Finance Committee for one month. The amendment passed on a vote of 6-5. Those voting aye were: Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Troxclair and Zimmerman. Those voting nay were: Mayor Adler and Council Members Gallo, Kitchen, Pool and Renteria.

64. Approve an ordinance authorizing acceptance of \$286,188 in grant funds from the Corporation for National and Community Service, amending the Fiscal Year 2014-2015 Human Resources Department Operating Budget Special Revenue Fund to appropriate these funds to provide funding to implement the AmeriCorps VISTA Program, and ratifying execution of related grant documents.
Ordinance 20150226-064 was approved on Council Member Houston’s motion, Council Member Renteria’s second on a 10-1 vote. Council Member Zimmerman voted nay.

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS

41. Authorize negotiation and execution of a 50-year license agreement with DECKER LAKE GOLF, LLC to provide funding, design, development, management, and maintenance services for a golf course at Walter E. Long Metropolitan Park. (THE PUBLIC COMMENT FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 20, 2014).
This item was postponed to March 5, 2015 without objection. Council Member Pool was off the dais.
42. Approve second and third readings of an ordinance amending City Code Chapter 25-6 to allow metered parking spaces to be counted towards the minimum off-street parking required for non-residential uses. (THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON DECEMBER 11, 2014).
There was a motion made by Council Member Kitchen and seconded by Council Member Houston to refer to committee. The motion passed on a vote of 10-0. Council Member Pool was off the dais.

Mayor Adler recessed the Council Meeting at 4:38 p.m.

Mayor Adler called the Council Meeting back to order at 4:56 p.m.

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS CONTINUED

43. Consider an appeal by DeWayne Lofton of a Planning Commission decision to approve a conditional use permit (Springdale Multifamily, SPC-2014-0086C, located at 5605 Springdale Road). (THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON JANUARY 29, 2015).
The motion to amend the conditional use permit was approved with the following conditions on Council Member Houston’s motion, Mayor Adler’s second on a 10-0 vote. Council Member Zimmerman abstained.

Conditions:

- Coffee Café – open 12 hours a day
- Ground floor units facing Springdale will be live work
- Community area will have a minimum area of 400 square feet

Mayor Adler recessed the Council Meeting for Live Music and Proclamation at 5:30 p.m.

LIVE MUSIC

Eastside Memorial High School Jazz Band

PROCLAMATIONS

Proclamation -- Creative Ambassadors -- to be presented by Mayor Steve Adler and to be accepted by Usha Akella, Judy Jensen and Anuradha Naimpally

Proclamation -- Wildlife Austin and recognition of Habitat Challenge Winners -- to be presented by Mayor Steve Adler and to be accepted by Meredith Gray and Habitat Challenge honorees

Distinguished Service Award -- Boy Scout Troop in District 6 -- to be presented by Council Member Don Zimmerman and to be accepted by the Scouts

Proclamation – Marriage Equality for Texas Week – to be presented by Mayor Pro Tem Kathie Tovo and to be accepted by Brian Thompson and Sarah Goodfriend

Mayor Adler called the Council Meeting back to order at 6:47 p.m.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Zimmerman’s motion, Council Member Garza’s second on an 11-0 vote.

ZONING DISCUSSION ITEMS

Items 50 and 51 were acted on in a combined motion.

50. C14-2014-0011A - Garza Ranch - (District 8) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3800 Ben Garza Lane (Williamson Creek Watershed-Barton Springs Zone) from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, to change a condition of zoning, with conditions. Planning Commission Recommendation: To forward to Council without a recommendation. Owner/Applicant: Rancho Garza, Ltd. (Ron White). Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and there was a motion made by Council Member Troxclair and seconded by Council Member Renteria to close the public hearing and adopt all three readings of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, to change a condition of zoning, with conditions with a trip limitation of 15,200.

There was a friendly amendment made by Council Member Kitchen move the trip limitation to 10,000 on first reading. The amendment was not accepted by the maker of the motion.

There was an amendment made by Council Member Kitchen and seconded by Council Member Pool to move the trip limitation to 10,000 on first reading.

There was an amendment made by Council Member Troxclair and seconded by Council Member Renteria to approve on first reading with 13,000 adjusted trips. The amendment passed on a vote of 6-5. Those voting aye were: Mayor Adler and Council Members Gallo, Houston, Renteria,

Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Members Casar, Garza, Kitchen, and Pool.

The public hearing was conducted and a motion to close the public hearing and approve the first reading of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, to change a condition of zoning, with conditions with 13,000 adjusted trips was approved with the following prohibited uses on Council Member Troxclair’s motion, Council Member Renteria’s second on a 9-2 vote. Those voting aye were: Mayor Adler and Council Members Gallo, Garza, Houston, Kitchen, Pool, Renteria, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Member Casar.

Direction was given to staff to research:

- How the run-off would be handled from additional trips leading into the site;
- Kind of pollution controls that were on the roads when they were built;
- Cost that would be involved for retrofitting so the additional impact of the additional cars coming to this site could also be addressed; and
- Information on water quality controls that are in existence on these roads and how effective they are if they were to be subject to the increase of car trips of about 16,000 plus per day.

Prohibited uses:

- Auto Repair Services
- Auto Rentals
- Auto Sales
- Auto Washing
- Exterminating Services
- Funeral Services
- Pawn Shop Services
- Service Station
- Custom Manufacturing
- Drop-off Recycling Collection Facility
- Outdoor Sports and Recreation
- Plant Nursery

51. C14-2014-0011B - Garza Ranch - (District 8) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3510 and 4003 Ben Garza Lane (Williamson Creek Watershed-Barton Springs Zone) from community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, to change a condition of zoning, with conditions. Planning Commission Recommendation: To forward to Council without a recommendation. Owner/Applicant: Rancho Garza, Ltd. (Ron White). Agent: Cunningham-Allen, Inc. (Jana Rice). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and there was a motion made by Council Member Troxclair and seconded by Council Member Renteria to close the public hearing and adopt all three readings of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, to change a condition of zoning, with conditions with a trip limitation of 15,200.

There was a friendly amendment made by Council Member Kitchen move the trip limitation to 10,000 on first reading. The amendment was not accepted by the maker of the motion.

There was an amendment made by Council Member Kitchen and seconded by Council Member Pool to move the trip limitation to 10,000 on first reading.

There was an amendment made by Council Member Troxclair and seconded by Council Member Renteria to approve on first reading with 13,000 adjusted trips. The amendment passed on a vote of 6-5. Those voting aye were: Mayor Adler and Council Members Gallo, Houston, Renteria, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Members Casar, Garza, Kitchen, and Pool.

The public hearing was conducted and a motion to close the public hearing and approve the first reading of the ordinance for community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, to change a condition of zoning, with conditions with 13,000 adjusted trips was approved with the following prohibited uses on Council Member Troxclair’s motion, Council Member Renteria’s second on a 9-2 vote. Those voting aye were: Mayor Adler and Council Members Gallo, Garza, Houston, Kitchen, Pool, Renteria, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Member Casar.

Direction was given to staff to research:

- How the run-off would be handled from additional trips leading into the site;
- Kind of pollution controls that were on the roads when they were built;
- Cost that would be involved for retrofitting so the additional impact of the additional cars coming to this site could also be addressed; and
- Information on water quality controls that are in existence on these roads and how effective they are if they were to be subject to the increase of car trips of about 16,000 plus per day.

Prohibited uses:

- Auto Repair Services
- Auto Rentals
- Auto Sales
- Auto Washing
- Exterminating Services
- Funeral Services
- Pawn Shop Services
- Service Station
- Custom Manufacturing
- Drop-off Recycling Collection Facility
- Outdoor Sports and Recreation
- Plant Nursery

53. C14-2014-0114 - 11712 North Lamar Rezoning - (District 7) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 11712 North Lamar Boulevard (Walnut Creek Watershed) from limited office (LO) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and limited office-conditional overlay (LO-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 limited office-conditional overlay (LO-CO) combining district zoning for Tract 2, with conditions. Owner: Sheahan Business Center (Dennis W. Sheahan). Applicant/Agent: Thrower Design (A. Ron Thrower). 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 general commercial services-conditional overlay (CS-CO) combining district zoning for the front or eastern 630 feet of the property (adjacent to North Lamar Boulevard) and limited office-conditional overlay (LO-CO) combining district zoning for the

remaining 100 feet or western portion of the property (adjacent to Walnut Creek) was approved with CS uses prohibited except for the following uses on Council Member Pool's motion, Council Member Zimmerman's second on a 9-2 vote. Those voting aye were: Mayor Adler and Council Members Casar, Gallo, Garza, Houston, Kitchen, Pool, Troxclair and Zimmerman. Those voting nay were: Mayor Pro Tem Tovo and Council Member Renteria.

CS Uses Prohibited Except for:
Convenience Storage
Limited Warehousing Distribution
Contractor Sales and Services
Building Maintenance Services
Vehicular Storage

PUBLIC HEARINGS AND POSSIBLE ACTIONS

- 62. Conduct a public hearing and consider an ordinance amending City Code Section 8-5-42 related to fishing in Lady Bird Lake and creating an offense.
This item was withdrawn without objection.

- 63. Conduct a public hearing and consider an ordinance regarding floodplain variances for the construction of a new duplex and an accessory building at 5613 Joe Sayers Avenue as requested by the owner of the property. The property is entirely in the 25-year and 100-year floodplains of the Hancock Branch of Shoal Creek.
There was a motion made by Council Member Pool and seconded by Mayor Pro Tem Tovo to deny the floodplain variance. The motion passed on a vote of 8-3. Those voting aye were: Mayor Adler, Mayor Pro Tem Tovo and Council Members Casar, Garza, Houston, Kitchen, Pool and Renteria. Those voting nay were: Council Members Gallo, Troxclair and Zimmerman.

Mayor Adler adjourned the meeting at 11:51 p.m. without objection.

The minutes were approved on this the 5th day of March, 2015 on Council Member Pool's motion, Council Member Adler's second on a 11-0 vote.