

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, FEBRUARY 14, 2013**

**Invocation:** Pastor Ricky Freeman, Ebenezer 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 14, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:07 a.m.

**CONSENT AGENDA**

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session and budget work session of January 29, 2013 and regular meeting of January 31, 2013.  
**The minutes from the City Council work session of January 29, 2013 and regular meeting of January 31, 2013 were approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
2. Approve issuance of a rebate to Amaravathi LP for performing duct diagnostics and improvements at Monterone at Steiner Ranch Apartments located at 4500 Steiner Ranch Blvd., Austin, Texas, in an amount not to exceed \$200,000.  
**The motion to approve the issuance of a rebate to Amaravathi LP was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
3. Approve issuance of a rebate to Austin Garden Apartments, LTD, for performing comprehensive energy efficiency upgrades at the Austin Garden Apartments located at 7401 N. Lamar Blvd., Austin, Texas, in an amount not to exceed \$75,000.  
**The motion to approve the issuance of a rebate to Austin Garden Apartments, LTD was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
4. Authorize execution of a construction contract with THE BARR CO., AIA, for the Copperfield Neighborhood Park Development in the amount of \$600,700 plus a \$60,070 contingency, for a total contract amount not to exceed \$660,770. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 21.56% MBE and 2.80% WBE subcontractor participation.)

**The motion authorizing the execution of a construction contract with the Barr Co., AIA was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

5. Authorize execution of change order #5 to the construction contract with JERDON ENTERPRISE for the Colorado Street Reconstruction and Utility Adjustment from Third Street to Seventh Street Project, a 2010 Bond Program and ACCELERATE AUSTIN PROJECT in the amount of \$147,986.24 plus additional contingency in the amount of \$100,000, for a total contract amount not to exceed \$6,357,963.70. (Notes: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 9.17% MBE and 3.73% WBE subcontractor participation to date including this change order.)

**The motion authorizing the execution of change order number five to the construction contract with Jerdon Enterprise was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

6. Authorize negotiation and execution of a professional services agreement with KBR/RPS ESPEY JOINT VENTURE for engineering services related to coordination of the Waller Creek Tunnel Program with the Waller Creek Conservancy Design in an amount not to exceed \$250,000. Related to Item #25. (Notes: This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the negotiation and execution of a professional services agreement with KBR/RPS Espey Joint Venture was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

7. Authorize execution of a construction contract with BIS TEPSCO, INC. for the installation of Chilled Water Piping Construction in the Right-of-Way in an amount of \$2,573,269, with an optional 12-month extension for a not-to-exceed amount of \$5,146,538. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 8.32% MBE and 19.31% WBE subcontractor participation.)

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

8. Approve a resolution making an initial determination as to whether good cause exists to believe that alleged wage violations occurred on a City construction project for prevailing wage complaints, in accordance with Texas Government Code, Section 2258.052, and as recommended by staff, on the following project: African American Cultural and Heritage Facility.

**Resolution No. 20130214-008 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

9. Authorize execution of a construction contract with MUNIZ CONCRETE & CONTRACTING INC. (MH 88.25%), for the North Walnut Creek Bike Trail Project in the amount of \$5,645,806.38 plus a \$282,290.32 contingency, for a total contract amount not to exceed \$5,928,096.70. Related to Item #22. (Notes: This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 88.25% prime and 1.82% subcontractor DBE participation.)

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

10. Authorize negotiation and execution of a contract amendment with WORKERS' ASSISTANCE PROGRAM, for juvenile crime prevention services under the 78744 Youth of Promise Initiative Community Youth Development Program in an amount not to exceed \$5,500 for a total 12-month revised contract amount not to exceed \$28,926.69 for the period September 1, 2012 to August 31, 2013, and a revised total contract amount not to exceed \$92,280.07.  
**The motion authorizing the negotiation and execution of a contract amendment with Workers Assistance Program was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
11. Approve negotiation and execution of amendments to contracts with the following two providers of HIV-related services under the Ryan White Part A HIV Emergency Relief Project and Minority AIDS Initiative Grant Program: AIDS SERVICES OF AUSTIN, INC., in an amount not to exceed \$216,848 for a total contract amount not to exceed \$1,337,802 and with PROJECT TRANSITIONS, INC. in an amount not to exceed \$25,000 for a total contract amount not to exceed \$102,673.  
**The motion authorizing the negotiation and execution of amendments to contracts with AIDS Services of Austin, Inc. and Project Transitions, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
12. Authorize negotiation and execution of an amendment to a legal services contract with Renea Hicks for services related to City of Austin v. Harry M. Whittington, et al, Cause No. D-1-GV-07-00942 in the 353rd District Court of Travis County Texas, in the amount of \$25,000, for a total contract amount not to exceed \$147,000.  
**The motion authorizing the negotiation and execution of an amendment to a legal services contract with Renea Hicks was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
13. Authorize negotiation and execution of a legal services agreement with Mayer Brown to provide legal services related to MBE/WBE issues in an amount not to exceed \$90,000.  
**The motion authorizing the negotiation and execution of a legal services agreement with Mayer Brown was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

**Item 14 was pulled for discussion.**

15. Approve a resolution for a conditional commitment of a loan in an amount not to exceed \$1,200,000 to 2007 Travis Heights, LP, an affiliate of Eureka Holdings, Inc., for the proposed demolition of existing structures and the new construction of 170 units located at 2324 Wilson Street, with funding being conditional upon the award of tax credits to 2007 Travis Heights, LP by the Texas Department of Housing and Community Affairs for the proposed project.  
**This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

**Items 16 through 19 were pulled for discussion.**

20. Approve a resolution identifying the proposed 180-unit multi-family development which will be located at 4800 Berkman Drive, and developed by Austin DMA Housing II, LLC, as a project that contributes most significantly to the concerted revitalization efforts of the City and complies with the requirements of the Texas Administrative Code, Title 10, Section 11.9(d)(6)(A)(ii)(III) pertaining to the rules governing the competitive Low Income Housing Tax Credit Program of the Texas Department of Housing and Community Affairs.  
**Resolution No. 20130214-020 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

21. Approve an exemption to the Smoking in Public Places ordinance (No. 20111215-019) for a Temporary Designated Smoking Area at Auditorium Shores for March 14-16, 2013, for the South by Southwest concert series.  
**The motion to approve an exemption to the smoking in public places ordinance was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
22. Approve an Ordinance amending the Fiscal Year 2012-2013 Parks and Recreation Department Capital Budget (Ordinance No. 20120910-002) to reallocate and appropriate \$1,400,000 from facility renovations and improvements to trails; amending the Fiscal Year 2012-2013 Financial Services Department Capital Budget (Ordinance No. 20120910-002) to transfer \$1,201,455 to the Parks and Recreation Department Capital Budget; and amending the Fiscal Year 2012-2013 Parks and Recreation Department Capital Budget (Ordinance No. 20120910-002) to appropriate the \$1,201,455 transfer for the Northern Walnut Creek Trail project. Related to Item #9.  
**Ordinance No. 20130214-022 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
23. Approve an ordinance adopting the Amended and Restated Strategic Partnership Agreement (SPA) between the City of Austin and Lost Creek Municipal Utility District.  
**Ordinance No. 20130214-023 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

**Item 24 was pulled to be heard after the related Executive Session item.**

25. Authorize negotiation and execution of an amendment to the Memorandum of Understanding between the City and Waller Creek Conservancy for the City to contribute an amount not to exceed \$270,000 toward the Waller Creek Conservancy's hiring of Michael Van Valkenburgh Associates/Thomas Phifer & Partners for design services related to coordination of the Waller Creek Tunnel Program with the Waller Creek Design and to evaluate and initiate limited construction revisions to accommodate the MVVA site design. Related to Item #6.  
**The motion authorizing the negotiation and execution of an amendment to the memorandum of understanding between the City and Waller Creek Conservancy was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

**Item 26 was pulled to be heard after the related Executive Session item.**

**Item 27 was pulled for discussion.**

28. Authorize award, negotiation, and execution of a 24-month requirements service contract with PRIME CONTROLS, or the other qualified offeror to RFP No. OPJ0102, to provide upgrades and maintenance for the existing controls automation systems to four Austin Energy District Cooling Plants in an estimated amount not to exceed \$1,100,000, with two 12-month extension options in an estimated amount not to exceed \$550,000 per extension option, for a total estimated contract amount not to exceed \$2,200,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.) Recommended by the Electric Utility Commission.  
**The motion authorizing the award, negotiation and execution of a requirements service contract with Prime Controls was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
29. Approve ratification of Amendment No. 1 to a contract with FLOWSERVE US INC. for repairs to a start up boiler feed pump for Austin Energy's Decker Creek Power Station to increase the contract authorization in an estimated amount not to exceed \$40,070, for a revised total contract amount not to

exceed \$72,560. (Notes: This contract was awarded in compliance with Chapter 2-9C of the City Code (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.) Recommended by the Electric Utility Commission.

**The motion to ratify amendment number one to a contract with Flowserve US Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

30. Authorize award and execution of Amendment No. 3 to a contract with KIMLEY-HORN AND ASSOCIATES, INC., to incorporate the Travel Time Data Integration and Bus Rapid Transit Project Management programs for the City of Austin's Advanced Transportation Management System in an estimated amount not to exceed \$354,600, for a revised total estimated contract amount not to exceed \$2,266,350. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

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

31. Authorize award and execution of a 36-month requirement services contract with STANLEY CONVERGENT SECURITY SOLUTIONS, INC. for monitoring, maintenance, testing, and repair of security and fire alarms for the Austin Public Library in an estimated amount not to exceed \$798,582, with three 12-month extension options in estimated amounts not to exceed \$266,194 per extension option, for a total estimated contract amount not to exceed \$1,597,164. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the award and execution of a requirement services contract with Stanley Convergent Security Solutions, Inc. was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

32. Authorize award, negotiation, and execution of a 12-month service contract with ENERNOC, INC., or one of the other qualified offerors to RFP No. TVN0027, to provide consulting services to expand Austin Energy's Commercial & Industrial Demand Response program in an estimated amount not to exceed \$586,080, with four 12-month extension options in an estimated amount not to exceed \$510,000 per extension option, for a total estimated contract amount not to exceed \$2,626,080. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.) Recommended by the Electric Utility Commission.

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

33. Authorize award, negotiation, and execution of various requirements supply and service agreements for a 12-month period through the following cooperative purchasing programs: TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD), U. S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE, and TEXAS MULTIPLE AWARD SCHEDULE (TXMAS), for the purchase and installation of furniture and fixtures for offices and various areas for various City Departments, in an estimated amount not to exceed \$2,000,000 each and combined, with four 12-month extension options in an estimated amount not to exceed \$1,700,000 each and combined per extension option, for a total estimated contract amount not to exceed \$8,800,000, each and combined. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-

Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.) Recommended by the Electric Utility Commission.

**The motion authorizing the award, negotiation and execution of various requirements supply and service agreements through Texas Local Government Purchasing Cooperative (BuyBoard); U.S. Communities Government Purchasing Alliance; and Texas Multiple Award Schedule (TXMAS) was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

34. Authorize the execution of a 12-month interlocal agreement between the City of Austin and Capital Area Council of Governments (CAPCOG) for access to the Enhanced 9-1-1 Services database and Centralized Automatic Message Accounting (CAMA) Trunks services for the Communication and Technology Management Department in an estimated amount not to exceed \$12,000, with four 12-month extension options in an estimated amount not to exceed \$14,000 per year, for a total estimated contract amount not to exceed \$68,000. (Notes: This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

**The motion authorizing the execution of an interlocal agreement between the City of Austin and Capital Area Council of Governments (CAPCOG) was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

35. Authorize the execution of a 12-month interlocal agreement between the City of Austin and Capital Area Council of Governments (CAPCOG) for access to the Enhanced 9-1-1 Services database for the Aviation Department in an estimated amount not to exceed \$2,000, with four 12-month extension options in an estimated amount not to exceed \$2,000 per year, for a total estimated contract amount not to exceed \$10,000. (Notes: This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.) Recommended by the Austin Airport Advisory Commission.

**The motion authorizing the execution of an interlocal agreement between the City of Austin and Capital Area Council of Governments (CAPCOG) was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

36. Approve issuance of a street event permit under Chapter 14-8 of the City Code 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 Sunday, March 17, 2013.

**The motion to approve an issuance of a street event permit for the FADO's Irish Pub St. Patrick's Day Festival was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

37. Authorize negotiation and execution of a 12-month interlocal agreement with the University of Texas at Austin-Lady Bird Johnson Wildflower Center to validate invasive plant species data and develop and conduct invasive plant species training workshops in an amount not to exceed \$25,000.

**The motion authorizing the negotiation and execution of an interlocal agreement with the University of Texas at Austin-Lady Bird Johnson Wildflower Center was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

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

## Nominations

Board/NomineeNominated byEarly Childhood Council

Dustin Breithaupt

Council Member Tovo

Land Development Code Advisory Group

Melissa Neslund

Council Member Spelman

## Nominations to Intergovernmental Bodies

Board/NomineeNominated byAustin-Travis County EMS Advisory Board

Richard Jung

Mayor Leffingwell

Capital Area Council of Governments, Criminal Justice Advisory Committee

Adrian Moore

Council

39. 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 2013 South by Southwest Conferences and Festivals, to be held March 8-17, 2013. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)  
**Ordinance No. 20130214-039 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
40. Approve an ordinance waiving certain fees and requirements and authorizing payment of certain costs for the City co-sponsored 2013 Zilker Park Kite Festival, to be held Sunday, March 3, 2013. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez)  
**Ordinance No. 20130214-040 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
41. Approve an ordinance waiving certain fees for the 2013 Bengali and South Asian New Year Festival event sponsored by Texas Bengali Cultural Alliance which is to be held Saturday, April 13, 2013 at Zilker Hillside Theater. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Council Member Chris Riley)  
**Ordinance No. 20130214-041 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
42. Approve an ordinance reimbursing certain fees for the Leadership Austin Diversity Day meeting which was held on Wednesday, December 19, 2012, at the Zilker Botanical Gardens Center. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Mike Martinez)  
**Ordinance No. 20130214-042 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

**Items 43 and 44 were pulled for discussion.**

45. Approve an ordinance providing for the Municipal Civil Service Commission and amending City Code Chapter 2-1. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole)

**Ordinance No. 20130214-045 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

**Item 46 was set for a time certain of 6:00 p.m.**

47. Approve a resolution cancelling the February 21, 2013 City Council Budget Retreat. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member William Spelman CO 2: Mayor Pro Tem Sheryl Cole)  
**Resolution No. 20130214-047 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
48. Approve a resolution supporting full expansion of Medicaid coverage in Texas and amending the City's Legislative Agenda to reflect that support. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison)  
**Resolution No. 20130214-048 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
49. Approve a resolution to accept the recommendations of the Music Commission and directing the City Manager to bring forward any code changes necessary to enact those recommendations. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member William Spelman CO 2: Mayor Lee Leffingwell)  
**Resolution No. 20130214-049 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
50. Approve a resolution directing the City Manager to report on solutions to improve Austin Police Department forensic lab test report turn-around times. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez)  
**This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
51. Approve a resolution directing the City Manager to utilize a peer review process to identify best practices of peer U.S. city planning departments relating to residential permit review and solicit their recommendations. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley)  
**Resolution No. 20130214-051 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
52. Approve a resolution initiating amendments to City Code Chapter 25-2 to reinstate site development regulations for the "Single-Family Residential" use, which were formerly codified in Section 25-2-780 and inadvertently repealed. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Lee Leffingwell)  
**This item was withdrawn on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
53. Set a public hearing to consider an ordinance amending Chapter 25-2 of the City Code to allow Community Events use for the Zach Scott Theater area. (Suggested date and time: February 28, 2013, 4:00 p.m. Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for February 28, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
54. Set public hearings to consider the limited purpose annexation of the Estancia annexation area (approximately 600 acres in southern Travis County west of IH 35 South approximately eight tenths of a mile south of the intersection of IH 35 South and Onion Creek Parkway). (Suggested dates and times:



March 21, 2013, 4:00 p.m. and March 28, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

**The public hearings were set on consent for March 21, 2013 and March 28, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

84. Approve a resolution initiating amendments to City Code Chapter 25-2 to reinstate site development regulations for the "Conservation Single-Family Residential" use, which were formerly codified in Section 25-2-780 and inadvertently repealed. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez)  
**Resolution No. 20130214-084 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

Item 55 was a briefing item set for 10:30 a.m.

Items 56 through 60 were Executive Session items.

Items 61 through 80 were zoning items set for 2:00 p.m.

Items 81 through 83 were public hearing items set for 4:00 p.m.

Item 84 was an addendum item

#### **BRIEFINGS**

55. Austin Energy Quarterly Briefing  
**This item was withdrawn without objection.**

#### **DISCUSSION ITEMS**

43. Approve an ordinance creating a Commission on Veterans Affairs. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Kathie Tovo CO 2: Council Member Mike Martinez)  
**Ordinance No. 20130214-043 was approved on Council Member Martinez' motion, Mayor Leffingwell's second on a 7-0 vote.**

**Items 14 and 16 through 19 were acted on in a combined motion.**

14. Approve a resolution for the conditional commitment of a loan in an amount not to exceed \$2,250,000 to Foundation Communities, Inc. for a proposed 138-unit multi-family development to be located at 3226 West Slaughter 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. 20130214-014 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
16. Approve a resolution for a conditional commitment of a loan in an amount not to exceed \$2,260,500 to DMA Development Company, LLC for a proposed 180-unit multi-family development to be located at 4800 Berkman Drive, with funding being conditional upon the award of tax credits to DMA Development Company, LLC by the Texas Department of Housing and Community Affairs for the proposed project.  
**Resolution No. 20130214-016 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
17. Approve a resolution for a conditional commitment of a loan in an amount not to exceed \$1,200,000 to Cadence Multifamily, LLC for a proposed 152-unit senior development to be located at 7501 U.S.

Highway 290 West, with funding being conditional upon the award of tax credits to Cadence Multifamily, LLC by the Texas Department of Housing and Community Affairs for the proposed project.

**Resolution No. 20130214-017 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

18. Approve a resolution for the conditional commitment of a loan in an amount not to exceed \$2,130,000 to Songhai Development Company, LLC for a proposed 142-unit multi-family development to be located at 8700 West Gate Boulevard, with funding being conditional upon the award of tax credits to Songhai Development Company, LLC by the Texas Department of Housing and Community Affairs for the proposed project.

**Resolution No. 20130214-018 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

19. Approve a resolution for the conditional commitment of a loan in an amount not to exceed \$1,800,000 to Foundation Communities, Inc. for a proposed 110-unit multi-family development to be located at 2800 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. 20130214-019 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

27. Authorize award, negotiation, and execution of Amendment No. 5 to a contract with MOTOROLA SOLUTIONS, INC. to add a software upgrade, additional licenses, implementation, support, and hosting services and one 12-month contract extension for the existing Customer Service Request system in an amount not to exceed \$723,559, and to increase the first and second extension options in amounts not to exceed \$64,464 and \$66,168 respectively, for a total contract amount not to exceed \$3,481,403. Recommended by the Community Technology & Telecommunications Commission

**The motion authorizing the award, negotiation and execution of amendment number five to a contract with Motorola Solutions, Inc. was approved with direction on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. Direction was given to staff to involve the Austin Community Technology and Telecommunications Commission in the creation of the request for proposal for the apps.**

44. Approve an ordinance granting a variance that authorizes payment instead of structural controls required under City Code Section 25-8-211 for six specified lots in the Austin Lake Hills Section 2 Subdivision, located in the Lake Austin watershed. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Chris Riley)

**The motion to approve the ordinance was made by Mayor Pro Tem Cole and seconded by Council Member Spelman.**

**There was a friendly amendment made by Council Member Morrison to distribute the \$115,000 over four lots and release the two additional lots from the enforcement order. The amendment was not accepted by the maker of the motion.**

**There was an amendment made by Council Member Morrison and seconded by Council Member Tovo to distribute the \$115,000 over four lots and release the two additional lots from the enforcement order. 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.**

**Ordinance No. 20130214-044 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.**

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 11:14 a.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.

The Mayor announced that Council would discuss item number 24 on the regular agenda during Executive Session.

60. Discuss legal issues related to Cause No. D-1-GN-04-002823; Thomas Nowotny v. City of Austin; In the District Court of Travis County, Texas, 250th Judicial District (Private consultation with legal counsel-Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 12:06 p.m.

**CITIZEN COMMUNICATIONS: GENERAL**

Allen Roddy - Balcones rock cliff

Will McLeod - 1.) Abolish Capital Metro 2.) The City of Austin is not complying with ADA 3.) Time Warner/TBD

Jane Gonzalez-Castillo - Civil Rights case against Jimmy Clay Golf Course **Not present when name was called.**

Linda Greene - Ways to deal with the Hexafluorsilicic Acid added to our air water supply

Paul Robbins - City Issues

Joseph Iley - Taxi Cab issues

Carlos León - 1.) Chemtrails continued 2.) Más truth 3.) Repent 4.) Read the Word 5.) Seek God

Ronnie Reeferseed - Peace, freedom, fluoride and the kill-grid

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:29 p.m.

**EXECUTIVE SESSION CONTINUED**

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.

The Mayor announced that Council would discuss items number 26 and 46 on the regular agenda during Executive Session.

56. Discuss legal issues related to Open Government matters (Private consultation with legal counsel-Section 551.071)

**This item was withdrawn.**

57. Discuss legal issues related to the November 6, 2012 election (Private consultation with legal counsel-Section 551.071)

**This item was withdrawn.**

58. Discuss legal issues related to Chapter 245 of the Local Government Code and related provisions of City Code Chapter 25-1, Article 12 (Project Duration) (Private consultation with legal counsel-Section 551.071)
59. Discuss legal issues related to PUCT Docket No. 40627, Petition by Homeowners United for Rate Fairness to Review City of Austin Rate Ordinance No. 20120607-055 (Private consultation with legal counsel - Section 551.071).

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 3:51 p.m.**

**ZONING CONSENT ITEMS (HEARINGS CLOSED)**

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

61. C14-2012-0032 - Del Curto Homes - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2905 Del Curto Road and 1814 Lightsey Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions. First reading approved on December 6, 2012. Vote: 7-0. Second reading on January 31, 2013. Owner/Applicant: PSW Lightsey, LP (J. Ryan Diepenbrock). City Staff: Heather Chaffin, 974-2122. A valid petition has been filed in opposition to this rezoning request.  
**Ordinance No. 20130214-061 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote. Development of the property will not exceed 36 units or 47.4% impervious cover. The following are prohibited uses on the property: duplex residential and single family attach residential. The applicant has committed verbally to building the structures that faces Lightsey.**
64. C14-2012-0101 - 9310 Georgian Drive - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9310 Georgian Drive (Little Walnut Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning. First Reading approved on January 17, 2013. Vote: 6-0, Mayor Leffingwell was absent. Owner/Applicant: Amir Hossein Batoeinng. City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20130214-064 for neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
66. C14-2012-0114 - Monaco II - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2440 Wickersham Lane (Country Club East Creek Watershed) from multi-family residence-low density (MF-2) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions. First Reading approved on January 17, 2013. Vote 6-0, Mayor Leffingwell was absent. Owner: PDQ Austin Overlook, Inc. (T. Mark Knutsen). Applicant: Vaughn & Associates (Rick Vaughn). City Staff: Lee Heckman, 974-7604.

**Ordinance No. 20130214-066 for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

67. C14-2012-0151 - Lot 7, 81 William Cannon Joint Venture Subdivision - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2112 East William Cannon Drive (Williamson Creek Watershed) from neighborhood commercial (LR) district zoning to multi-family residence-medium density (MF-3) district zoning. First Reading approved on January 31, 2013. Vote: 7-0. Owner/Applicant: East William Cannon 2007, LTD (William Hale). Agent: CSF Civil Group, LLC (Charles E. Steinman). City Staff: Wendy Rhoades, 974-7719.

**Ordinance No. 20130214-067 for multi-family residence-medium density (MF-3) district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

68. C14-2012-0083 - Cirrus Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 West 6th Street, and 602-702 West Avenue (Shoal Creek Watershed) from downtown mixed use-conditional overlay-central urban redevelopment district (DMU-CO-CURE) combining district zoning for Tract 1, and limited office (LO) district zoning and general office (GO) district zoning for Tract 2 to downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning for Tract 1 and downtown mixed use (DMU) district zoning for Tract 2. Staff Recommendation: To grant downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning for Tract 1 and downtown mixed use (DMU) district zoning for Tract 2. Planning Commission Recommendation: To be reviewed on February 12, 2013. Applicant: Cirrus Logic, Inc. (Thurman Case). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent to February 28, 2013 at the staff's request on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

71. C14-2012-0135 - 7502 Lazy Creek Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7502 Lazy Creek Drive (Walnut Creek Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Owner: Quincy Jones. Agent: GMS Development, LLC (Marzia Volpe). City Staff: Heather Chaffin, 974-2122.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130214-071 for family residence (SF-3) district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

72. C14-2012-0136 - 7507 Lazy Creek Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7507 Lazy Creek Drive (Walnut Creek Watershed) from interim-single family residence(I-SF-2) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Owner/Agent: GMS Development, LLC (Marzia Volpe). City Staff: Heather Chaffin, 974-2122.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130214-072 for family residence (SF-3) district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

73. C14-2012-0137 - 7512 Lazy Creek Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7512 Lazy Creek Drive (Walnut Creek Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district

zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Owner/Agent: GMS Development, LLC (Marzia Volpe). City Staff: Heather Chaffin, 974-2122.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130214-073 for family residence (SF-3) district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

74. C14-2012-0138 - 7516 Lazy Creek Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 7516 Lazy Creek Drive (Walnut Creek Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning to family residence (SF-3) district zoning. Staff Recommendation: To grant family residence (SF-3) district zoning. Zoning and Platting Commission Recommendation: To grant family residence (SF-3) district zoning. Owner/Agent: GMS Development, LLC (Marzia Volpe). City Staff: Heather Chaffin, 974-2122.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130214-074 for family residence (SF-3) district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
76. C14-2012-0149 - 8200 North Mopac Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8200 North Mopac Expressway Southbound (Shoal Creek Watershed) from limited office (LO) 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: Lapeer Properties, Inc. (Luke Wood). Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130214-076 for neighborhood commercial (LR) district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
77. C14-2012-0150 - Vijayrama & Surekha Poreddy - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10102 Chester Lane (Bull Creek Watershed) from rural residence (RR) district zoning to single family residence-large lot (SF-1) district zoning. Staff Recommendation: To grant single family residence-large lot (SF-1) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-large lot (SF-1) district zoning. Owner/Applicant: Tusar K. Nanda. Agent: Tusar K. Nanda. City Staff: Sherri Sirwaitis, 974-3057.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130214-077 for single family residence-large lot (SF-1) district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
78. C14-2012-0153 - Spicewood Springs Office Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4714 Spicewood Springs Road (Bull Creek Watershed) from family residence (SF-3) district zoning to general office (GO) 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: Norman Edward John Brueckl. Agent: Tierra Concepts (Scott Taylor). City Staff: Sherri Sirwaitis, 974-3057.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130214-078 for general office-conditional overlay (GO-CO) combining district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

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

81. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 (Zoning) to create the Central Austin - University Area Zoning Overlay District in which a group residential land use is a conditional use in the multi-family residence moderate-high density (MF-4) base zoning district.  
**This item was postponed to April 25, 2013 without objection.**
82. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to encourage the relocation of historically significant buildings in the Rainey Street subdistrict of the Waterfront Overlay Combining District to appropriate locations outside of the subdistrict in lieu of demolition.  
**This item was postponed to March 7, 2013 without objection.**

#### **DISCUSSION ITEMS CONTINUED**

24. Approve an ordinance waiving City Code Section 25-6-501(E) and authorizing the director to approve disabled parking adjacent to 1600 South Congress and superseding conflicting requirements of the City Code.  
**Ordinance No. 20130214-024 was approved on Council Member Martinez' motion, Council Member Riley's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.**
26. Approve an ordinance regarding a Managed Growth Agreement with Shady Hollow Garden Townhomes, for the 34.94 acre tract located at 2601 and 2645 Frate Barker Road known as the Shady Hollow Garden Townhomes site plan SP-2008-0061C(XT2).MGA.  
**The motion to approve the ordinance was made by Council Member Spelman and seconded by Mayor Pro Tem Cole.**

**There was a friendly amendment made by Council Member Tovo to set the impervious cover at 40% for the undeveloped tracks. The amendment was not accepted by the maker of the motion.**

**There was an amendment made by Council Member Tovo and seconded by Council Member Morrison to set the impervious cover at 40% for the undeveloped tracks. 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.**

**Ordinance No. 20130214-026 was approved on Council Member Spelman's 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.**

#### **ZONING DISCUSSION ITEMS**

70. C14-2012-0130 - 4th & Guadalupe Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 401 Guadalupe Street, 304 West 4th Street and 400 Lavaca Street (Town Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment district (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment district (CBD-CURE) combining district zoning. Planning Commission Recommendation: To approve central business district -central urban redevelopment district (CBD-CURE) combining district zoning. Applicant: LG Guadalupe, L.P. (Ben Pisklak) & Austin Trust Company (Ann Graham & Susan Harris). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Clark Patterson, 974-7691.  
**The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for central business district-central urban redevelopment district (CBD-CURE) combining district zoning was approved with a friendly amendment on Mayor Pro Tem**

**Cole's motion, Council Member Martinez' second on a 7-0 vote. The friendly amendment from Council Member Morrison was to approve the ordinance on first reading. The amendment was accepted by the maker of the motion and by Council Member Martinez, who made the second.**

62. C14-2012-0070 - Drink. Well. Rezone - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 207 East 53rd Street (Waller Creek Watershed) from neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning to community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. First reading approved on September 27, 2012. Vote 6-0. Mayor Pro Tem Cole was off the dais. Second reading approved on December 6, 2012. Vote 7-0. Applicant: M & J Properties, L.L.C. (Michael Sanders). Agent: Vasquez Ventures, L.L.C. (Rick Vasquez). City Staff: Clark Patterson, 974-7691.

**Ordinance No. 20130214-062 for community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

65. C14-2012-0113 - 7003 E Riverside - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7003 East Riverside Drive (Carson Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning, with conditions. First Reading approved on December 6, 2012. Vote: 7-0. Owner: Bradsher Family Trust (Jack Bradsher). Applicant: Thrower Design (Ron Thrower). City Staff: Lee Heckman, 974-7604.

**The second reading of the ordinance for townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning, with conditions was approved on Council Member Riley's motion, Council Member Spelman's second on a 7-0 vote.**

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

83. Conduct a public hearing and consider an ordinance adopting the seventh plan modification to the East 11th and 12th Streets Urban Renewal Plan.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130214-083 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman recused himself.**

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

69. C14-2012-0123 - The Paloma - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1123 East 11th Street (Town Lake Watershed) from commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning to commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning, with conditions. Owner/Applicant: 1123 Partners (Mark Vornberg). City Staff: Heather Chaffin, 974-2122.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130214-069 for commercial-liquor sales-neighborhood conservation combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning, with conditions was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman recused himself.**



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

**LIVE MUSIC**

Pat Murphy

**PROCLAMATIONS**

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

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

Proclamation -- Hispanic Austin Leadership Service Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Ray Baray

Proclamation -- Marathon Kids Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Christine Pollei

Proclamation -- Save Texas Schools -- to be presented by Council Member Kathie Tovo and to be accepted by Allen Weeks

Proclamation -- LULAC's 84<sup>th</sup> Anniversary -- to be presented by Council Member Mike Martinez and to be accepted by TBA

Mayor Leffingwell called the Council Meeting back to order at 7:05 p.m.

**ZONING DISCUSSION ITEMS CONTINUED**

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

75. C14-2012-0148 -14028 N. U.S. 183 Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 14028 North U.S. Highway 183 (Buttercup Creek Watershed, Lake Creek Watershed) from community commercial (GR) district zoning to commercial-liquor sales (CS-1) district zoning. Staff Recommendation: To grant commercial-liquor sales (CS-1) district zoning. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales (CS-1-CO) district zoning. Owner/Applicant: Dan Wheat. Agent: Thrower Design (A. Ron Thrower). City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130214-075 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning was approved on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was off the dais.**

79. C14-2012-0154 - Lakeline Market - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 14016 North U.S. Highway 183 Service Road (Lake Creek Watershed) from commercial highway (CH) district zoning to community commercial services (GR) district zoning. Staff Recommendation: To grant community commercial services (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial (GR) district zoning. Owner/Applicant: Lakeline Market, Ltd. (Milo Burdette). Agent: Bury & Partners, Inc. (Melissa Neslund). City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130214-079 for community commercial (GR) district zoning was approved on Council**

**Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was off the dais.**

80. C14-2012-0156 - Austin 7 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1434 West Wells Branch Parkway (Harris Branch Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: HEB Grocery Company, L.P. (Todd Piland). Agent: Bury & Partners, Inc. (Melissa Neslund). City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130214-080 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was off the dais.**

63. C14-2012-0097 - Little Woodrow's Bar & Restaurant - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5425 Burnet Road (Waller Creek Watershed) from general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning to commercial liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. First reading approved on December 13th, 2012. Vote 4-2, Council Member Martinez off the dais. Second reading approved on January 31st, 2013. Vote 4-3. Applicant: Rick Engel. Agent: Alice Glasco Consulting, Inc. (Alice Glasco). City Staff: Clark Patterson, 974-7691.

**This item was postponed to February 28, 2013 with an agreement on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was off the dais.**

**The agreement is as follows.**

- 1. One way entrance from Clay to Burnet Road.**
- 2. Hours of operation.**
  - Sunday through Wednesday open til midnight**
  - Thursday open til 1:00 a.m.**
  - Friday, Saturday and Holidays open til 2:00 a.m.**
- 3. Green screens and barriers provided by the applicant.**
- 4. Parking lots on Clay Avenue numbers 45 through 52 for employee parking only.**
- 5. Reduction in the CS-1 footprint.**
- 6. The neighborhood has agreed not to oppose the parking variances that the applicant is going to work towards during the CUP process.**

#### **DISCUSSION ITEM CONTINUED**

46. Approve a resolution directing the City Manager to develop a draft ordinance and plan to transition the governance of Austin Energy to an independent board of trustees. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member William Spelman CO 2: Mayor Pro Tem Sheryl Cole)  
**Resolution No. 20130214-046 was approved with following friendly amendments on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**

**The following friendly amendments were made by Council Member Riley. The amendments were accepted by the maker of the motion and Mayor Leffingwell, who made the second.**

- 1. Make the reference to the Board's financial disclosure requirements a separate paragraph and include a reference to section 2-7-72(C) of the City Code.**
- 2. Delegate governance and oversight power as opposed to "the full amount of" governance and oversight power.**

3. Insert “Prior to ordinance adoption the city manager shall provide the Council an enumeration of all powers held by the City Council regarding the control and management of Austin Energy, and include a review and categorization of all Council meeting agenda items related to Austin Energy over the past three years” after paragraph detailing powers of the board.
4. In addition to the financial disclosure for the board members, include “the advisory panel members are subject to the financial disclosure requirement of City Code Chapter 2-7.”

The friendly amendment from Council Member Spelman was to amend the advisory panel appointment language to read “Each City Council Member shall appoint one member to the panel. Additional members, up to four, may be appointed by consensus of the advisory counsel as needed to ensure that all stakeholders are represented on the advisory board”. The amendment was accepted by Mayor Leffingwell, who made the second.

Council Member Martinez stated the following for acknowledgment as part of the intent.

1. Give specific direction to the sub-committee of the Council to consider demographic and diversity as an appointment to the positions.
2. Clarification of sub-committee:
  - Will it be an ad hoc committee for this specific purpose?
  - Will it be desolved once the nominations are made to Council?

The friendly amendment from Council Member Morrison was to have the advisory panel be subject to City Code Chapter 2-1. The amendment was accepted by the maker of the motion and Mayor Leffingwell, who made the second.

Mayor Leffingwell adjourned the meeting at 9:47 p.m. without objection.

The minutes were approved on this the 28th day of February 2013 on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.