

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, FEBRUARY 28, 2013**

**Invocation:** Chaplain David Smith, APD's Chaplaincy Program

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 28, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:02 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 5, 2013, work session of February 12, 2013 and regular meeting of February 14, 2013.  
**The minutes from the City Council special called meeting of February 5, 2013, work session of February 12, 2013 and regular meeting of February 14, 2013 were approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
2. Approve a resolution to change the name of the Water and Wastewater Utility East Service Center, located at 6301-B Harold Court, to the Timothy Louviere Service Center.  
**Resolution No. 20130228-002 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
3. Authorize execution of a construction contract with MOUNTAIN CASCADE OF TEXAS, LLC, for the Boyce Lane Water Main Project in the amount of \$4,674,205 plus a \$233,710 contingency, for a total contract amount not to exceed \$4,907,915. (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 21.54% MBE and 4.47% WBE subcontractor participation.)  
**The motion authorizing the execution of a construction contract with Mountain Cascade of Texas, LLC. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
4. Authorize negotiation and execution of an amendment to the professional services agreements with the following eleven (11) firms: ECS TEXAS, LLP., FUGRO CONSULTANTS, INC., HOLT ENGINEERING, INC., (MBE/FW), HVJ ASSOCIATES, INC., (MBE/MB), KLEINFELDER, PAVETEX ENGINEERING & TESTING, INC., (WBE/FH), PROFESSIONAL SERVICE INDUSTRIES (PSI), INC., RABA-KISTNER CONSULTANTS, INC., RODRIGUEZ ENGINEERING LABORATORIES, (MBE/MH), TERRACON CONSULTANTS, INC., and WISS, JANNEY,

ELSTNER ASSOCIATES (WJE), INC., for Construction Materials Engineering and Testing Services Rotation List in the amount of \$1,200,000 of additional authorization, for a total not to exceed amount of \$8,200,000 for providing testing services on the rotation list until the replacement rotation list is negotiated and executed. This additional authorization of \$1,200,000 will be allocated to the following firms as indicated: ECS TEXAS, LLP., \$130,000, FUGRO CONSULTANTS, INC., \$105,000, HOLT ENGINEERING, INC., \$76,000, HVJ ASSOCIATES, INC., \$100,000, KLEINFELDER, \$166,000, PAVETEX ENGINEERING & TESTING, INC., \$186,000, PROFESSIONAL SERVICE INDUSTRIES (PSI), INC., \$60,000, RABA-KISTNER CONSULTANTS, INC., \$50,000, RODRIGUEZ ENGINEERING LABORATORIES, \$160,000, TERRACON CONSULTANTS, INC., \$70,000, and WISS, JANNEY, ELSTNER ASSOCIATES (WJE), INC., \$97,000. (Notes: This contract was awarded in compliance with The City Code Chapter 2-9B (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 an amendment to the professional services agreements with ECS Texas, LLP; Fugro Consultants, Inc.; Holt Engineering, Inc., (MBE/FW); HVJ Associates, Inc., (MBE/MB), Kleinfelder; Pavetex Engineering & Testing, Inc., (WBE/FH); Professional Service Industries (PSI), Inc.; Raba-Kistner Consultants, Inc.; Rodriguez Engineering Laboratories, (MBE/MH); Terracon Consultants, Inc. and Wiss, Janney, Elstner Associates(WJE), Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

5. Authorize execution of change order #2 to the construction contract with LAUGHLIN-THYSSEN, INC. for the Williamson Creek - Blarwood Storm Drain Improvements in the amount of \$506,402.00, plus additional contingency in the amount of \$50,640.20, for a total contract amount not to exceed \$6,646,029.50. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Procurement Program) with 55.25% MBE and 3.20% WBE subcontractor participation to date including this change order)

**The motion authorizing the execution of change order number two to the construction contract with Laughlin-Thyssen, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

6. Authorize negotiation and execution of a professional services agreement with CDM SMITH INC., or one of the other qualified responders to RFQ Solicitation No. CLMP120, to provide environmental, civil engineering and other consulting services for the Austin Bergstrom International Airport for one year with an option to extend for one additional year for a total contract amount not to exceed \$1,050,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.00% MBE and 16.00% WBE subcontractor participation)

**This item was withdrawn on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

7. Authorize negotiation and execution of professional services agreements with each of the following three staff-recommended firms (or one of the other qualified responders): STANLEY CONSULTANTS, INC., ENERGY ENGINEERING ASSOCIATES, INC., and AFFILIATED ENGINEERS, INC. for Austin Energy's 2013 Engineering Services for Chilled Water Pipes in Plants & Distribution Service Areas Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$1,500,000 divided among the three firms. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation.)

**This item was postponed to March 7, 2013 on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

8. Authorize the negotiation and execution of a Family Business Loan Program Section 108 loan to Shady Spring Enterprises, Inc., Austin, Texas, to refinance a building at 1103 East 6th Street that provides restaurant space, for a maximum loan amount not to exceed \$199,284.  
**The motion authorizing the negotiation and execution of a family business loan program section 108 loan to Shady Spring Enterprises, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
9. Authorize negotiation and execution of an Automatic Aid Agreement between the City of Austin and Travis County Emergency Service Districts to provide services and to perform functions that are mutually beneficial to the fire service agencies and the residents of their respective jurisdictions. The initial term is one year and the parties may renew for up to nine additional one-year terms on mutual consent.  
**The motion authorizing the negotiation and execution of an automatic aid agreement between the City of Austin and Travis County Emergency Service Districts was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
10. Authorize negotiation and execution of Amendment No. 2 to the contract for early childhood services with COMMUNITIES IN SCHOOLS OF CENTRAL TEXAS, for an increase in an amount not to exceed \$148,000, for a total 30-month contract amount not to exceed \$335,500, and to increase each of the two, 12-month extension options in an amount not to exceed \$74,000 for each option, for a total contract amount not to exceed \$633,500.  
**The motion authorizing the negotiation and execution of amendment number two to the contract for early childhood services with Communities in Schools of Central Texas was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
11. Authorize negotiation and execution of Amendment No. 2 to the social services contract for early childhood services with WORKSOURCE GREATER AUSTIN AREA WORKFORCE BOARD for an increase in an amount not to exceed \$242,875, for a total 30-month contract amount not to exceed \$905,375, and to increase each of the two 12-month extension options in an amount not to exceed \$80,159 for each option, for a total contract amount not to exceed \$1,595,693.  
**The motion authorizing the negotiation and execution of amendment number two to the social services contract for early childhood services with Worksource Greater Austin Area Workforce Board was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**Items 12 and 13 were pulled for discussion.**

14. Authorize the negotiation and execution of any and all documents necessary or desirable to purchase in fee simple a tract of land totaling approximately 1.62 acres in Travis County, Texas, located at 4621 South 1st Street, from Kay Jeanette Storch, Ernest Powell Aycock, Patricia Lucille McBee, Michael Cedric Cole, and Kelly Kay Carper, for a total amount not to exceed \$360,000.  
**The motion authorizing the negotiation and execution of any and all documents necessary or desirable to purchase in fee simple a tract of land from Kay Jeanette Storch, Ernest Powell Aycock, Patricia Lucille McBee, Michael Cedric Cole, and Kelly Kay Carper was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
15. Authorize negotiation and execution of a multiple use and license agreement with the TEXAS DEPARTMENT OF TRANSPORTATION for the Shoal Creek - Ridgelea Drainage Improvement Project at 4203 Bull Creek Road.  
**The motion authorizing the negotiation and execution of a multiple use and license agreement with the Texas Department of Transportation was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

16. Approve a resolution authorizing the use of Lake Austin, Lake Long, and Town Lake (also known as Lady Bird Lake) for certain public events in accordance with City Code Chapter 8-5 for calendar year 2013.

**Resolution No. 20130228-016 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

17. Approve an ordinance repealing Ordinance No. 20130117-030 and amending Ordinance No. 20121018-083, to correct the legal description, for the property described in zoning case No. C14-2012-0064 and located at 10652 Dessau Road.

**Ordinance No. 20130228-017 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**Item 18 was pulled for discussion.**

19. Authorize the negotiation and execution of an interlocal agreement between the City and the University of Texas at Austin for water and wastewater infrastructure improvements along a portion of Robert Dedman Drive for an amount not to exceed \$475,000.

**The motion authorizing the negotiation and execution of an interlocal agreement between the City and the University of Texas Austin was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

20. Authorize award and execution of three 24-month requirements supply contracts with FERGUSON ENTERPRISES, INC. dba FERGUSON WATERWORKS, in an estimated amount not to exceed \$85,048 with one 24-month extension option in an estimated amount not to exceed \$85,048 for a total estimated contract amount of \$170,096; with HD SUPPLY WATERWORKS, in an estimated amount not to exceed \$21,514, with one 24-month extension option in an estimated amount not to exceed \$21,514 for a total estimated contract amount of \$43,028; and with MUNICIPAL WATER WORKS, in an estimated amount not to exceed \$8,438, with one 24-month extension option in an estimated amount not to exceed \$8,438 for a total estimated contract amount not to exceed \$16,876 for the purchase of full circle couplings of various sizes for the Austin Water Utility. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation)

**The motion authorizing the award and execution of three requirements supply contracts with Ferguson Enterprises, Inc. doing business as Ferguson Waterworks; HD Supply Waterworks; and Municipal Water Works was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

21. Authorize award and execution of a 24-month requirements supply contract with JGB ENTERPRISES, INC., for the purchase of high-pressure hoses and couplings for the Austin Water Utility in an estimated amount not to exceed \$186,126, with two 12-month extension options in an estimated amount not to exceed \$93,063 per extension option, for a total estimated contract amount not to exceed \$372,252. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation)

**The motion authorizing the award and execution of a requirements supply contract with JGB Enterprises Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

22. Authorize award and execution of a 36-month requirements service contract with MALDONADO NURSERY & LANDSCAPING, INC. for grounds maintenance services for the Austin Water Utility in an estimated amount not to exceed \$389,478, with three 12-month extension options in an estimated amount not to exceed \$129,826 per extension option, for a total estimated contract amount not to exceed

\$778,956. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation)

**The motion authorizing the award and execution of a requirements service contract with Maldonado Nursery & Landscaping, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

23. Authorize award, negotiation, and execution of a 36-month professional services requirements contract with DR. TANIA GLENN & ASSOC P A, to provide trauma counseling services for the Emergency Medical Services Department, in an estimated amount not to exceed \$145,645, with three 12-month extension options in estimated amounts not to exceed \$53,482 for the first extension option, \$56,156 for the second extension option, \$58,964 for the third extension option, for a total estimated contract amount not to exceed \$314,247. (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 contract)  
**The motion authorizing the award, negotiation and execution of a professional services requirements contract with Dr. Tania Glenn & Assoc. P.A. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
24. Authorize award and execution of a 36-month requirements service contract with ZIRMED INC., to provide web-based billing and clearinghouse services for the Emergency Medical Services Department in an estimated amount not to exceed \$96,973, with three 12-month extension options in an estimated amount not to exceed \$38,994 for the first extension option, \$42,894 for the second extension option, and \$47,183 for the third extension option, for a total estimated contract amount not to exceed \$226,044. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation)  
**The motion authorizing the award and execution of a requirements service contract with Zirmed Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
25. Authorize award and execution of a 6-month requirement service agreement with State of Texas Procurement and Support Services Cooperative Purchasing Program (State of Texas Coop) with LIBERTY TIRE RECYCLING, LLC for the removal and proper disposal of City-owned scrap tires in an estimated amount not to exceed \$14,000, with four 12-month extension options in estimated amounts not to exceed \$33,600 for the first extension option, \$40,320 for the second extension option, \$48,384 for the third extension option and \$58,061 for the fourth extension option, for a total estimated contract amount not to exceed \$194,365. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation)  
**The motion authorizing the award and execution of a requirement service agreement with State of Texas Procurement and Support Services Cooperative Purchasing Program (State of Texas Coop) with Liberty Tire Recycling, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
26. Authorize award and execution of a 36-month requirements service contract with EAGLE HYDRO BLAST to provide power washing services for various City Departments in an estimated amount not to exceed \$75,150, with three 12-month extension options in estimated amounts not to exceed \$25,050 per extension option, for a total estimated contract amount not to exceed \$150,300. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation)

**The motion authorizing the award and execution of a requirements service contract with Eagle Hydro Blast was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

27. Approve an ordinance suspending a Gas Reliability Infrastructure Program interim customer surcharge proposed by Texas Gas Service and requesting reimbursement for expenses to review the rate adjustment. **Ordinance No. 20130228-027 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
28. Approve an ordinance amending City Code Section 12-4-64 (D) to establish a maximum speed limit of 55 miles per hour on two segments of McKinney Falls Parkway between Shaw Lane and Thaxton Road. **Ordinance No. 20130228-028 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
29. Authorize negotiation and execution of an interlocal agreement with Travis County to designate Travis County as the lead agency in partnership with the City for proposed preliminary engineering studies on the extension of Braker Lane from the existing terminus to Harris Branch Parkway. **The motion authorizing the negotiation and execution of an interlocal agreement with Travis County was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
30. Approve an ordinance amending City Code Section 13-2-13 to provide authority for a police officer to impound a ground transportation service vehicle operated in violation of City Code 13-2-3 (Operating Authority or Taxicab Franchise Required); and declaring an emergency. **Ordinance No. 20130228-030 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
31. 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 appointment was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

#### Nominations

##### Board/Nominee

##### Nominated by

##### Commission on Veterans Affairs

Gary Lindner

Council Member Riley

32. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 and authorize payment of certain costs for the Texas Independence Day 5K Run and Parade, which are city co-sponsored events with Celebrate Texas Incorporated, which is to be held Saturday, March 2, 2013. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole) **The motion to approve the waiver of certain fees and requirements and authorize payment of certain costs for the Texas Independence Day 5K Run and Parade, city co-sponsored events with Celebrate Texas Incorporated was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
33. Approve an ordinance amending Ordinance No. 20130131-028 to provide that only biking is authorized on certain trails on a 24-hour basis for the 2013 calendar year. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Kathie Tovo)

**Ordinance No. 20130228-033 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Mayor Leffingwell voted nay.**

34. Approve a resolution urging the United States Congress to enact legislation accomplishing comprehensive immigration reform. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo CO 2: Council Member Laura Morrison)

**Resolution No. 20130228-034 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**Item 35 was pulled for discussion.**

36. Approve a resolution directing the City Manager to explore financing options, including tax increment financing, for infrastructure improvements in the Airport Boulevard Corridor, including Highland Mall. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)

**Resolution No. 20130228-036 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**Items 37 through 40 were pulled for discussion.**

41. Approve the waiver of certain closure notice requirements that allow affected individuals and neighborhood associations to object to street closure under City Code Chapter 14-8 for the South by Southwest Conferences and Festivals, to be held on March 8-17, 2013. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)

**The motion to approve the waiver of certain closure notice requirements that allow affected individuals and neighborhood associations to object to street closure for the South by Southwest Conferences and Festivals was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

42. Approve a resolution directing the City Manager to offer one free day at Deep Eddy Pool during the period of March 9 - 17, 2013. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Council Member Laura Morrison)

**Resolution No. 20130228-042 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

43. Set a public hearing to consider an ordinance amending City Code Chapter 15-11 relating to private laterals. (Suggested date and time: March 21, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)

**The public hearing was set on consent for March 21, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

44. Set a public hearing to consider an ordinance amending City Code Chapter 25-9 relating to water and wastewater service extension requests and cost participation in construction costs. (Suggested date and time: March 21, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)

**The public hearing was set on consent for March 21, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

45. Set a public hearing to consider an ordinance creating an economic development program for and authorizing the execution of an Economic Development Agreement with National Instruments Corporation. (Suggested date and time: March 7, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

**The public hearing was set on consent for March 7, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

Item 46 was an eminent domain item.

Items 47 through 49 were briefing items set for 10:30 a.m.

Items 50 through 53 were Executive Session items.

Items 54 through 71 were zoning items set for 2:00 p.m.

Items 72 through 78 were public hearing items set for 4:00 p.m.

### **DISCUSSION ITEMS**

37. Approve an ordinance waiving certain fees for the Pause for Paws event sponsored by Austin PetsAlive in partnership with Girl Scout Junior Troop 792 which is to be held on Saturday, April 20, 2013, at Brentwood Park. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison)  
**Ordinance No. 20130228-037 was approved on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote.**
12. Authorize negotiation and execution of an interlocal agreement with Austin Community College and the University of Texas at Austin to implement the Colony Park Challenge Grant Public Engagement Plan in an amount not to exceed \$300,000.  
**The motion authorizing the negotiation and execution of an interlocal agreement with Austin Community College and the University of Texas at Austin was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Tovo was off the dais.**
18. Approve an ordinance amending City Code Chapter 25-1 relating to project duration and project dormancy, initiating code amendments to Chapter 25-1 relating to vested rights applications, waiving the review procedures of Section 25-1-502, and declaring an emergency.  
**This item was postponed to March 21, 2013 to allow the Planning Commission to conduct a public hearing on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-2 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Morrison, Riley, Spelman and Tovo. Those voting nay were: Mayor Leffingwell and Council Member Martinez.**

### **BRIEFINGS**

48. Staff presentation regarding a proposal to create an economic development program for National Instruments Corporation. (Public comment is permitted on this staff presentation).  
**The presentation was made by Kevin Johns, Director and Ben Ramirez, Interim Economic Development Manager of Economic Growth and Redevelopment Services.**

### **CITIZEN COMMUNICATIONS: GENERAL**

Robert McDonald - Homelessness (in-dangered species)

Mary Miski - Rainey Street parking **Not present when name was called.**

Susana Almanza - The slaughtering and whole sale of chickens is not a single family use. Let's not return East Austin to another type of Industrial use. Correct Haus Bar Farm situation. No new precedent setting.



Daniel Llanes - Urban Farms- Haus Bar

Daniel Morrow - Lyndon Johnson and his sexual relationship with his grandmother, Ruth Ament Huffman, and other LBJ degradations and mental instabilities

Jesse Allen - New business idea **Not present when name was called.**

Tom Hatch - I 35 Bridge Park **Not present when name was called.**

Ronnie Reefersseed - Peace, liberty, fluoride and the ongoing kill-grill

Paul Robbins - City issues

Carlos León - 1.) Stopping Chemtrails 2.) Truth be told 3.) Ask God for forgiveness 4.) Read scripture 5.) Pray

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:39 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.**

50. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071).  
**This item was withdrawn.**
51. Discuss legal issues related to the November 6, 2012 election (Private consultation with legal counsel - Section 551.071).
52. 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).
53. Discuss legal issues related to Forest North/Springwoods Co-operative Recreation Association v. City of Austin, Appeal No. 03-12-00529-CV in the Court of Appeals for the Third Supreme Judicial District, Austin Texas (Private consultation with legal counsel - Section 551.071).

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:34 p.m.**

### **ZONING CONSENT ITEMS**

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

54. C814-2012-0055 - Covered Bridge Planned Unit Development - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6714 Covered Bridge Drive (Williamson Creek Watershed-Barton Springs Zone) from community commercial-neighborhood plan (GR-NP) combining district zoning, community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, multi-family residence limited density-neighborhood plan (MF-1-NP) combining district zoning, townhouse and condominium

residence-neighborhood plan (SF-6-NP) combining district zoning, and rural residence-neighborhood plan (RR-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. The land in the PUD is within the Barton Springs Zone in which the City's Save Our Springs (SOS) ordinance applies. First reading approved on January 31, 2013. Vote: 7-0. Owner/Applicant: PPF AMLI Covered Bridge Drive, LLC; CBAL Whitecrowe LLC; Covered Bridge Section 8, LLC. (Ron Thrower). City Staff: Heather Chaffin, 974-2122.

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

56. C14-2012-0113 - 7003 E Riverside - Approve third reading 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. First Reading approved on December 6, 2012. Vote: 7-0. Second Reading approved on February 14, 2013. Vote: 7-0. Owner: Bradsher Family Trust (Jack Bradsher). Applicant: Thrower Design (Ron Thrower). City Staff: Lee Heckman, 974-7604.

**Ordinance No. 20130228-056 for townhouse and condominium residence-conditional overlay-neighborhood plan (SF-6-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

58. C14-85-288.45(RCA2) - Covered Bridge Planned Unit Development - Conduct a public hearing and approve a restrictive covenant amendment for property locally known as 6714 Covered Bridge Drive (Williamson Creek Watershed-Barton Springs Zone) to amend a portion of the Restrictive Covenant to remove 32.025 acres out of the 194.74 Restrictive Covenant. Staff Recommendation: To grant an amendment to amend a portion of the Restrictive Covenant to remove 32.025 acres out of the 194.74 Restrictive Covenant. The land in the PUD is within the area known as the Barton Springs Zone in which the City's Save Our Springs (SOS) ordinance applies. PUD zoning may modify City ordinances applicable to development of the land. Planning Commission Recommendation: To grant an amendment to amend a portion of the Restrictive Covenant to remove 32.025 acres out of the 194.74 Restrictive Covenant. Owner/Applicant: PPF AMLI Covered Bridge Drive, LLC; CBAL Whitecrowe LLC; Covered Bridge Section 8, LLC. Agent: Thrower Design (Ron Thrower). City Staff: Heather Chaffin, 974-2122.

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

59. NPA-2012-0021.01 - 1100 Manlove Street (1100 Manlove St. NPA) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20061116-055 of the East Riverside/Oltorf Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 1100 Manlove Street (Harpers Branch) from Single Family to Neighborhood Mixed Use land use. Staff Recommendation: To deny Neighborhood Mixed Use land use. Planning Commission Recommendation: To be reviewed on April 23, 2013. Owner: John Schuler c/o Schuler Family Trust of 1998. Applicant and Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, 974-2695.

**This item was postponed on consent to May 23, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

60. NPA-2012-0023.01 - 1504 East 51st Street (Promiseland) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20070809-55 of the University Hills/Windsor Park Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 1504 East 51st Street (Tannehill Branch Watershed) from Civic to Mixed Use land use. Staff Recommendation: To grant Mixed Use land use. Planning Commission Recommendation: To be reviewed on March 26, 2013. Owner: The World of Pentecost Inc./HCM, LLC (Shules Hersh). Applicant and Agent: Hughes Capital Management, Inc. (Trac Bledsoe). City Staff: Maureen Meredith, 974-2695.

**This item was postponed on consent to April 25, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

61. NPA-2012-0015.01 - 3511 Manor Road (Street and Bridge Central District Office) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20021107-Z-11 of the East MLK Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 3511 Manor Road (Tannehill Branch Watershed) from Mixed Use to Civic land use. Staff Recommendation: To grant Civic land use. Planning Commission Recommendation: To be reviewed on April 23, 2013. Owner: City of Austin. Applicant and Agent: Public Works Department (Peter Davis). City Staff: Maureen Meredith, 974-2695.

**This item was postponed on consent to May 23, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

62. C14-2012-0140 - Street and Bridge District Office- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3511 Manor Road (Tannehill Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning and community commercial-vertical mixed use building-neighborhood plan (GR-V-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on April 23, 2013. Owner/Agent: City of Austin (Peter Davis). City Staff: Heather Chaffin, 974-2122.

**This item was postponed on consent to May 23, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

63. 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 26, 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 March 28, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

64. C14-2012-0141 - North Loop Pub - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 100 East North Loop Boulevard (Waller Creek Watershed) from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning for Tracts 1 and 2. Staff Recommendation: To grant commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning for Tracts 1 and 2. Planning Commission Recommendation: To grant commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning for Tracts 1 and 2. Applicant: Terrell Timmerman. Agent: Bleyl Interest, Inc. (Vince Huebinger). City Staff: Clark Patterson, 974-7691.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130228-064 for commercial-liquor sales-conditional overlay-neighborhood plan (CS-1-CO-NP) combining district zoning for Tracts 1 and 2 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

65. C14-2012-0142 - River Place Center - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10817 FM 2222 Road (Bull Creek Watershed; Panther Hollow Watershed) from community commercial (GR) district zoning and limited office (LO) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial (GR) district zoning. Zoning and Platting Commission Recommendation: To grant community commercial (GR) district zoning. Applicant: Black Forrest Ventures, L.L.C. (Sean Quinn). Agent: Jones & Carter, Inc. (Darren Webber). City Staff: Clark Patterson, 974-7691.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130228-065 for community commercial (GR) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
66. C14-2012-0144 - W.C.I.D #17 Water Plant - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4504 North FM 620 Road (Bull Creek Watershed; Panther Hollow Watershed) from development reserve (DR) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Applicant: Lower Colorado River Authority (Fred Crawford). Agent: River City Engineering (David Kneuper, P.E.). City Staff: Clark Patterson, 974-7691.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130228-066 for public (P) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
67. C14-2012-0147 - 2025 E. 7th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2025 East 7th Street (Lady Bird Lake Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Owner: SL Chicon, LP (John Kiltz). Agent: Gibson Lamar Partners, LP (Arthur Carpenter). City Staff: Heather Chaffin, 974-2122.  
**This item was postponed on consent to March 7, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
68. C14-2012-0155 - 1310 Kramer Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1310 Kramer Lane (Little Walnut Creek Watershed) from single family residence-standard lot (SF-2) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning, with conditions. Owner/Applicant: Thomas Lieou. Agent: Wendall E. Brannen Architect (Wendall E. Brannen). City Staff: Sherri Sirwaitis, 974-3057.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130228-068 for limited office-conditional overlay (LO-CO) combining district zoning, with conditions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
69. C14-2012-0157 - Dessau Partners - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 13422 Dessau Road (Harris

Branch Watershed) from interim-rural residence (I-RR) district zoning and interim-single-family residence-standard lot (I-SF-2) 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 for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2, with conditions. Owner/Applicant: Dessau Partnership, LLC (Richard L. Schroer, Manager). Agent: BBD Commercial (Tim Jarvis). City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130228-069 for commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 1 and community commercial-conditional overlay (GR-CO) combining district zoning for Tract 2, with conditions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

70. C14-2012-0146.SH - 1044 Norwood Park Blvd.- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1044 Norwood Park Boulevard (Little Walnut Creek Watershed) from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to commercial highway services-neighborhood plan (CH-NP) combining district zoning. Staff Recommendation: To grant commercial highway services-conditional overlay-neighborhood plan (CH-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial highway services-conditional overlay-neighborhood plan (CH-CO-NP) combining district zoning. Owner: DBSI Village at Norwood, LLC (Conrad Myers). Agent: Conley Engineering, Inc. (Carl Conley). City Staff: Heather Chaffin, 974-2122.  
**This item was postponed on consent to March 7, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

71. C14H-2013-0001 - Old David Chapel / St. Paul Primitive Baptist Church - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2209 E. 14th Street (Boggy Creek Watershed) from public-neighborhood plan (P-NP) combining district zoning to public-historic landmark-neighborhood plan (P-H-NP) combining district zoning. Staff Recommendation: To grant public-historic landmark-neighborhood plan (P-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant public-historic landmark-neighborhood plan (P-H-NP) combining district zoning. Planning Commission Recommendation: To grant public-historic landmark-neighborhood plan (P-H-NP) combining district. Applicant: St. Paul Primitive Baptist Church and the City of Austin. City Staff: Steve Sadowsky, 974-6454.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130228-071 for public-historic landmark-neighborhood plan (P-H-NP) combining district was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

### **BRIEFING ITEMS CONTINUED**

47. Austin Energy Quarterly Briefing.  
**The presentation was made by Larry Weis, General Manager Electric Utility and Ann Little, Vice President, Finance and Corporate Services, Austin Energy.**

**Council Member Morrison asked staff to consider a geographically based outreach marketing program for customer solar systems.**

Council Member Spelman asked staff to find out approximately what percentage of all solar systems located outside the city limits received incentives and the date when the majority of power came from green sources.

Mayor Leffingwell asked staff to conduct a discussion on where we are now in regards to the 50 percent goal as well as the 2 percent goal statewide.

#### **DISCUSSION ITEMS CONTINUED**

38. Approve a resolution directing the City Manager to develop recommendations for a local and healthy food purchasing policy for the City and a healthy vending machine policy for City facilities. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)

**Resolution No. 20130228-038 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote. Mayor asked staff to take into consideration: are there unintended consequences of this item; and are there peripheral affects to the big city facilities such as the airport, convention center, city hall for example.**

39. Approve a resolution directing the City Manager to develop a revised design of Bartholomew Pool that incorporates community input and remedies the site's groundwater challenges. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo)

**Resolution No. 20130228-039 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

40. Approve a resolution initiating code amendments to City Code Title 25 (Land Development) relating to the regulation of short-term rentals and directing the City Manager to implement related improvements to the permitting, licensure, and enforcement process. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Chris Riley CO 2: Mayor Lee Leffingwell)

**The motion to approve the resolution was made by Council Member Spelman and seconded by Council Member Riley.**

**Council Member Morrison directed staff to take a look at the access to information in AMANDA to make sure it is available.**

**The friendly amendment from Council Member Morrison was to amend item 2(B) under the "Be It Resolved" to read, "develop online payment options and transition to an entirely online payment and registration process as soon as is reasonably feasible." The amendment was accepted by the maker of the motion and by Council Member Riley, who made the second.**

**There was a motion made by Council Member Morrison and seconded by Council Member Tovo to amend the resolution as follows. The motion passed on a vote of 7-0. The amendment was to amend item 1(E) under the "Be It Resolved" to read, "add notification to neighborhood association contacts using electronic notification."**

**Resolution No. 20130228-040 with the direction, friendly amendment and amendment listed above was approved on Council Member Spelman's motion, Council Member Riley's second on a 6-1 vote. Council Member Tovo voted nay.**

13. Approve a resolution for a conditional commitment of a loan in an amount not to exceed \$2,000,000 to 2013 Travis Oak Creek, LP, formerly known as 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 2013 Travis Oak Creek, LP by the Texas Department of Housing and Community Affairs for the proposed project.

**Resolution No. 20130228-013 was approved on Council Member Morrison's motion, Council Member Tovo's second on a 7-0 vote.**

### **BRIEFING ITEMS CONTINUED**

49. Briefing on Parking Reduction Incentive Pilot Program.  
**This item was withdrawn without objection.**

### **EMINENT DOMAIN**

**This vote applies to all units of property (Item 46) to be condemned.**

46. Approve a resolution authorizing the filing of eminent domain proceedings for the Williamson Creek Tributary 2 Spring Meadow Road - Lark Creek Drive Stream Rehabilitation Creek Project for 4,843 square feet of land for a temporary working space easement, 8,560 square feet of land for a drainage and access easement, and 1,855 square feet of land for a drainage easement, all out of the Santiago Del Valle Grant, Abstract No. 24, in Travis County, Texas, being out of and a part of that certain 0.5609-acre parcel of land known as "Tract 5;" and for 1,425 square feet of land for a drainage easement out of the Santiago Del Valle Grant, Abstract No. 24, in Travis County, Texas, being out of and a part of that certain 0.063-acre parcel of land known as "Tract 1," in the amount of \$834. The owners of the needed property interests are MICHAEL R. ELEDGE, THOMAS M. MAYS, MARK N. HARDEMAN AKA MARK HARDEMAN, AND FRANCINE FIELDS HARDEMAN. The property is located on the east side of Stassney Lane at Williamson Creek in the City of Austin, Travis County, Texas. The general route covered by this project will include Williamson Creek Tributary 2 from Nuckols Crossing to east Stassney Lane, traversing along the stream bank between Spring Meadow Road and Lark Creek Drive.  
**Resolution 20130228-046 was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was off the dais.**

### **DISCUSSION ITEMS CONTINUED**

35. Approve a resolution signifying the City Council's intent to endorse efforts to develop a comprehensive approach to reducing gun crime. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO 2: Council Member William Spelman)  
**Resolution No. 20130228-035 was approved on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote.**

### **PUBLIC HEARINGS AND POSSIBLE ACTIONS**

73. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter C, Article 3, Division 9 (University Neighborhood Overlay District Requirements) relating to affordable housing regulations in the university neighborhood overlay (UNO) district.  
**This item was postponed to April 25, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
72. Approve second reading of an ordinance renewing a non-emergency transfer franchise to American Medical Response of Texas, Inc. under City Code Chapter 10-2.  
**The public hearing was conducted and the motion to close the public hearing and approve the second reading of the ordinance was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.**
78. Conduct a public hearing and consider an ordinance amending Chapter 25-2 of the City Code to allow community events use for the Zach Scott Theatre area.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130228-078 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

### ZONING DISCUSSION ITEMS

55. 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 13, 2012. Vote 4-2, Council Members Morrison and Tovo voted nay. Council Member Martinez off the dais. Second reading approved on January 31, 2013. Vote 4-3, Council Members Martinez, Morrison, and Tovo voted nay. Applicant: Rick Engel. Agent: Alice Glasco Consulting, Inc. (Alice Glasco). City Staff: Clark Patterson, 974-7691.
- Ordinance No. 20130228-055 for commercial liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning was approved with the following agreement 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.**

**The agreement between the neighborhood and the applicant:**

- **The area to be designated CS-1 has been reduced to 5,440 square feet and the new metes and bounds description has been attached to the ordinance.**
- **Items to be addressed at the conditional-use site plan phase by the planning commission include:**
  - **The total area that may be used by the applicant as a cocktail lounge must meet the land development code parking requirements. The neighborhood has not agreed to waive parking ratio requirements but has agreed to support the variance to permit parking within 200 feet of a residence zoned SF-6 or more restrictive.**
- **"One Way Only" off Clay from the drive aisle on the north side of the buildings, running east (Clay) to west (Burnet);**
- **Employee Parking only: designate and add signage to the parking on the western boundary of the property, which is accessed from Clay (currently numbered spaces 45-52) as "employee parking only";**
- **Add green screen: build a green screen along boundary of the property where residential screening is desirable to create some buffering of residences on Clay and other near Brentwood residences, and**
- **Hours of operation: Reduce the closing hour of operation on Sunday through Wednesday to 12:00 A.M.; on Thursday to 1:00 a.m.; Fridays, Saturdays and holidays closing hour would remain 2:00 a.m.**

57. C14-2012-0130 - 4th & Guadalupe Rezoning - Approve second/third readings of 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 grant 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 second reading of the ordinance for central business district-central urban redevelopment district (CBD-CURE) combining district zoning was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Tovo voted nay. When this item is brought back on March 7, 2013 staff has been directed to provide Council with a listing of CURE zoning cases that have been passed in the last five years that do not include a community benefit and those that do.

Mayor Leffingwell recessed the Council Meeting for Live Music and Proclamations at 5:33 p.m.

### LIVE MUSIC

Ulrich Ellison and Tribe

### PROCLAMATIONS

Proclamation -- Texas Monthly Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Jake Silverstein

Proclamation -- The Wright House Wellness Center's 25th Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Leah Graham

Proclamation -- Women in Construction Week -- to be presented by Council Member Laura Morrison and to be accepted by Terri Underhill

Proclamation -- National Week of Prayer for the Healing of AIDS -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Paul Scott

Proclamation -- Grand Opening of the African American Cultural & Heritage Facility -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Nelson Linder

Proclamation -- Delta Sigma Theta's 100th Anniversary -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Emily Thompson

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

### PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

74. Conduct a public hearing and consider an ordinance amending City Code Chapters 25-1, 25-2, and 25-5 to require Land Use Commission approval for construction of outdoor amphitheaters and similar structures, whether associated with a principal or accessory use or not.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130228-074 with the following amendments was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

**An amendment to include the criteria and notification used in conditional use permit process be incorporated and strike to the second sentence in 25-2-517(b) was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

**An amendment to insert after the word "assembly" groups of 100 or more was made by Mayor Pro Tem Cole, seconded by Council Member Spelman. The motion was withdrawn by Mayor Pro Tem Cole.**

**An amendment to insert after the word “assembly” group of 50 or more 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.**

75. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to make electronic prototype assembly and electronic testing conditional uses in the downtown mixed use (DMU) base zoning district.

**This item was withdrawn on Mayor Pro Tem Cole’s motion, Mayor Leffingwell’s second on a 7-0 vote. Direction was given to staff to post for March 28, 2013 with the option for conditional use or permitted use.**

76. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, to make cocktail lounges a conditional use in the Rainey Street subdistrict of the Waterfront Overlay.

**There was a motion made by Mayor Pro Tem Cole and seconded by Mayor Leffingwell to approve the ordinance with conditional use applying only to structures of 5,000 square feet or less.**

**There was a motion made by Council Member Tovo and seconded by Council Member Morrison to amend the main motion by removing the “conditional use applying only to structures of 5,000 square feet or less”. The motion passed on a vote of 4-3. Those voting aye were: Council Members Martinez, Morrison, Spelman and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Riley.**

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130228-076 with the previous amendment was approved on Mayor Pro Tem Cole’s motion, Mayor Leffingwell’s second on a 7-0 vote.**

77. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-6 relating to downtown parking and off-street loading requirements.

**The public hearing was conducted and the motion to close the public hearing and approve the ordinance on first reading was approved with the following amendments on Council Member Riley’s motion, Mayor Pro Tem Cole’s second on a 6-1 vote. Mayor Leffingwell voting nay.**

**There was an amendment made by Council Member Riley and seconded by Mayor Leffingwell to amend the ordinance to not delete 25-6-591(B)(1) (a) and (b) which removes parking requirements for small and historic buildings but have it read, “(a) for a use occupying a designated historic landmark or located in an existing building in a designated historic district. (b) off-street parking is not required for a use occupying less than 12,000.” The amendment passed on a vote of 7-0. There was a friendly amendment made by Council Member Spelman to have section (b) read, “off-street motor vehicle parking is not required for a use occupying less than 6,000 square feet, and instead increase the square footage to 12,000.” The amendment was accepted by the maker of the motion and Mayor Leffingwell, who seconded the motion.**

**There was an amendment made by Council Member Riley and seconded by Mayor Leffingwell to add to section 25-6-591(B)(2): “Eliminate parking requirements for any building that is within 1,000 feet of the required number of ADA spaces on-street. If a building is over 12,000 square feet and not within 1000 feet of on-street ADA spaces, the applicant must either secure necessary ADA spaces on-site, secure the ADA spaces off-site, or may work with the city to convert on-street space to meet ADA requirements.” The amendment passed on a vote of 7-0.**

**There was an amendment made by Council Member Riley and seconded by Mayor Leffingwell to allow the use of the alley for loading and unloading by right. The amendment passed on a vote of 7-0.**

**There was an amendment made by Council Member Riley and seconded by Mayor Leffingwell to craft language in part one of the ordinance to make accessory parking available to the public a permitted use downtown. The amendment passed on a vote of 7-0.**

**There was an amendment made by Council Member Riley and seconded by Mayor Leffingwell to delete site plan requirement for off-site accessory parking, in CBD and DMU only in chapter 25-6-501 of the code. The amendment passed on a vote of 7-0.**

**There was an amendment made by Mayor Leffingwell and seconded by Council Member Spelman to strike subsection (B)3 eliminating a cap on parking. The amendment failed on a vote of 3-4. Those voting aye were: Mayor Leffingwell and Council Members Martinez, and Spelman. Those voting nay were: Mayor Pro Tem Cole, Morrison, Riley, and Tovo.**

**Mayor Leffingwell adjourned the meeting at 9:20 p.m. without objection.**

**The minutes were approved on this the 7th day of March 2013 on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**