

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, APRIL 25, 2013**

**Invocation:** Rev. Charles J. Lee, Acts Fellowship 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, April 25, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:05 a.m. Council Member Martinez was absent.

**CONSENT AGENDA**

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of April 9, 2013, regular meeting of April 11, 2013 and budget work session of April 18, 2013.

**The minutes from the City Council work session of April 9, 2013, regular meeting of April 11, 2013 and budget work session of April 18, 2013 were approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

**Item 2 was pulled for discussion.**

3. Authorize negotiation and execution of an agreement with Airport Fast Park to provide a performance-based incentive for the generation of solar energy at its facility located at 2300 Spirit of Texas Drive, Del Valle, Texas 78617, for an estimated \$14,860 per year, for a total amount not to exceed \$148,600 over a 10-year period.

**The motion authorizing the negotiation and execution of an agreement with Airport Fast Park was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

4. Authorize negotiation and execution of an agreement with Apple Inc. to provide a performance-based incentive for the generation of solar energy at its facilities located at 5401 and 5501 West Parmer Lane, Austin, Texas 78727, for an estimated \$48,680 per year, for a total amount not to exceed \$486,800 over a 10-year period.

**The motion authorizing the negotiation and execution of an agreement with Apple Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

5. Approve the issuance of rebates to the residents of 12th Street Court and to PSW Real Estate, LLC, the developer of the 12th Street Court, for the installation of solar energy systems serving 20 new construction condominium units located at 2612 W. 12th Street, Austin, Texas 78703, for a total amount not to exceed \$102,453.

**The motion to approve the issuance of rebates to the residents of 12<sup>th</sup> Street Court and to PSW Estate, LLC was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

6. Approve the issuance of rebates to the residents of The South 5th, for the installation of solar energy systems serving 14 new construction condominium units located at 2301 South 5th Street, Austin, Texas 78704, for a total amount not to exceed \$113,970.

**The motion to approve the issuance of rebates to the residents of the South 5<sup>th</sup> was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

**Item 7 was pulled for discussion.**

8. Authorize negotiation and execution of a job order contract with the following Austin, Texas contractors: AMERICAN YOUTHWORKS; VALDEZ REMODELING & WEATHERIZATION; and CONSERVATION SPECIALISTS LLC, to perform construction services for the Austin Energy Home Efficiency Assistance Program (HEAP) Tier 1 Basic Weatherization Project in the amount not to exceed \$850,000 for a one-year term and distributed among the three selected contractors based on work authorization and availability. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). Although no goals were established for this solicitation, areas of subcontracting opportunities have been identified. )

**The motion authorizing the negotiation and execution of a job order contract with American Youthworks; Valdez Remodeling & Weatherization and Conservation Specialists LLC was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

9. Authorize execution of a construction contract with BRH-GARVER CONSTRUCTION, L.P., for the Boggy Creek Waterline Replacement project in the amount of \$1,990,150 plus a \$99,507.50 contingency, for a total contract amount not to exceed \$2,089,657.50. (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 7.35% MBE and 1.99% WBE subcontractor participation.)

**The motion authorizing the execution of a construction contract with BRH-Garver Construction, L.P. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

10. Authorize negotiation and execution of a professional services agreement with W. K. DICKSON & CO., INC., for engineering services for water line condition assessment on Nueces Street in an amount not to exceed \$66,500. (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.)

**This item was postponed on consent to May 23, 2013 on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

11. Authorize execution of a construction contract with SANTA CLARA CONSTRUCTION LTD., for Willowbrook at 40th St. Water and Wastewater Improvements/Boggy Creek Cherrywood Restoration in the amount of \$1,543,680 plus a \$154,368 contingency, for a total contract amount not to exceed \$1,698,048. (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 75.39% MBE prime participation; 2.98% MBE and 2.63% WBE subcontractor participation.)

**The motion authorizing the execution of a construction contract with Santa Clara Construction LTD was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

12. Authorize execution of a construction contract through the TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE with MATOUS CONSTRUCTION LTD., for the construction of the Ullrich Grit Conveyance System in an amount not to exceed \$84,000.00 (Notes: This contract will be awarded in compliance with City Code 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). This contract is a Cooperative Purchase; therefore it is exempted under Chapter 791 of the Texas Local Government Code and no goals were established for this solicitation.)

**The motion authorizing the execution of a construction contract through the Texas Local Government Purchasing Cooperative with Matous Construction LTD was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

13. Authorize execution of a construction contract with MATOUS CONSTRUCTION, LTD., for the Davis Water Treatment Plant chlorine system improvements, in the amount of \$721,500 plus a \$72,150 contingency, for a total contract amount not to exceed \$793,650. (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) through the achievements of Good Faith Efforts with 15.54% MBE and 0.00% WBE subcontractor participation.)

**The motion authorizing the execution of a construction contract with Matous Construction, LTD was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

14. Authorize negotiation and execution of change order #14 to the construction contract with MATOUS CONSTRUCTION, LTD., for the Hornsby Bend Biosolids Management Plant Digester Improvements and Sustainability Project in the amount of \$525,709.09, for a total contract amount not to exceed \$28,397,710. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) with 10.24% MBE and 0.14% WBE subcontractor participation to date including this change order.)

**The motion authorizing the negotiation and execution of change order #14 to the construction contract with Matous Construction, LTD was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

15. Authorize execution of a construction contract with KEYSTONE CONSTRUCTION INC., for a new parking lot at Mary Moore Searight Metropolitan Park in the amount of \$107,851.50, plus a contingency fee of \$5,392.60 for a total amount not to exceed \$113,244.10. (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 11.59% MBE and 3.15% WBE subcontractor participation.)

**The motion authorizing the execution of a construction contract with Keystone Construction Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

16. Authorize ratification of a construction contract with EXCEL CONSTRUCTION SERVICES, LLC, for South Austin Regional Wastewater Treatment Plant Trains A & B and Lift Station #2 Emergency Repairs, in the amount of \$556,000 plus a \$27,800 contingency, for a total contract amount not to exceed \$583,800. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion to ratify a construction contract with Excel Construction Services, LLC was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

17. Authorize execution of a construction contract with INTERMOUNTAIN SLURRY SEAL, INC., for the 2013 Miscellaneous Streets Slurry Seal And Micro-Surfacing Project in the amount of \$1,448,048 plus a \$39,258.30 contingency, for a total contract amount not to exceed \$1,487,306.30. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Woman Owned Business Owned Enterprise Procurement Program) by meeting the goals with 10.00% MBE and 0.12% WBE subcontractor participation.)  
**The motion authorizing the execution of a construction contract with Intermountain Slurry Seal, Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
18. Authorize award and execution of a construction contract with PAYTON CONSTRUCTION, INC. for the Walnut Creek Wastewater Treatment Plant Water Resource Initiative Tank Assessment and Repairs Project in the amount of \$5,415,625 on a \$270,781 contingency fee agreement, for a total contract amount not to exceed \$5,686,406. (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 11.00% MBE and 2.29% WBE subcontractor participation.)  
**The motion authorizing the award and execution of a construction contract with Payton Construction, Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
19. Approve an ordinance authorizing acceptance of \$19,010 in grant funds from the DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, EMERGENCY SOLUTIONS GRANT, and amending the Fiscal Year 2012-2013 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$19,010 for the delivery of homeless services.  
**Ordinance No. 20130425-019 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
20. Approve second and third reading of an ordinance relating to the creation of a board of trustees to govern Austin Energy and an advisory panel to advise the board and the council on matters concerning Austin Energy.  
**This item was postponed on consent to May 9, 2013 on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
21. Approve the Urban Renewal Agency's sale of 16 vacant lots, locally known as 1155, 1157 and 1159 Curve Street; 1154, 1156, and 1158 Waller Street; and 1005, 1007, 1009, 1011, 1013, 1015, 1017, 1019, 1021, and 1023 Juniper Street (Block 17-Tract II) to the Austin Revitalization Authority in accordance with Texas Local Government Code Section 374.017, in the amount of \$522,000, excluding any applicable closing costs, for the development of mixed income residential housing.  
**The motion to approve the Urban Renewal Agency's sale of lots was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 5-0 vote. Mayor Pro Tem Cole recused herself. Council Member Martinez was absent.**
22. Approve a resolution amending Resolution No. 20110623-091 related to the negotiation and execution of an agreement with the Austin Parks Foundation for a pilot program for a food and beverage concession and improvements at the Old Bakery and Emporium park site to expand the permissible foods available through the concession, while minimizing the addition of costly infrastructure improvements to the site. Related to Item #23.  
**Resolution No. 20130425-022 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

23. Authorize negotiation and execution of a two-year concession agreement with Austin Parks Foundation ("Foundation") for a food and beverage concession at 1006 Congress Avenue, the Old Bakery and Emporium, in exchange for the Foundation's obligation to use a portion of concession revenue to fund improvements at the site and establish the parties' responsibilities. Related to Item #22.  
**The motion authorizing the negotiation and execution of a concession agreement with Austin Parks Foundation was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
24. Approve a resolution regarding a citizen request seeking the City's consent to the municipal incorporation of a portion of the Hornsby Bend area (the proposed incorporation area includes several developed residential neighborhoods centered along FM 969 east of FM 973 within Austin's extraterritorial jurisdiction).  
**This item was postponed on consent to May 9, 2013 on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
25. Approve first reading of an ordinance to annex the Estancia annexation area for limited purposes (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). Related to Item #26.  
**The first reading of the ordinance was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
26. Approve first reading of an ordinance approving a regulatory plan for the Estancia annexation area, which is being annexed for limited purposes. Related to Item #25.  
**The first reading of the ordinance was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
- Item 27 was pulled for discussion.**
28. Authorize negotiation and execution of an interlocal agreement between the City of Austin and Travis County for construction (relocation) of Austin Water Utility water lines within the Travis County Roadway Improvement of Frate Barker Road, in the amount of \$9,870.00 for the integration of plans and specifications and \$1,850,500 for construction plus a \$185,050 contingency, for a total amount not to exceed \$2,045,420.  
**The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
29. Authorize award and execution of a 12-month requirements service contract with M.E. SIMPSON CO., INC. to provide assessment of large diameter valves for the Austin Water Utility in an estimated amount not to exceed \$320,985 with two 12-month extension options in an estimated amount not to exceed \$320,985 per option, for a total contract amount not to exceed \$962,955. (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 M.E. Simpson Co., Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
30. Authorized award and execution of a sole source contract with SMITH PUMP COMPANY, INC., for the purchase of cellular telemetry units for the Austin Water Utility in a total contract amount of \$172,407. (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 sole source contract with Smith Pump Company, Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

31. Authorized award and execution of a 24-month requirements supply contract with ADS LLC, dba HYDRA-STOP for fittings and cutters for the Austin Water Utility in an amount not to exceed \$40,000, with three 12-month extension options in and amount not to exceed \$20,000 per extension option, for a total agreement amount not to exceed \$100,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the award and execution of a requirements supply contract with ADS LLC, doing business as Hydra-Stop was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

32. Authorize award and execution of a 36-month requirements supply contract with PREMIER MAGNESIA to provide magnesium hydroxide slurry and equipment for the Austin Water Utility Department, in an estimated amount not to exceed \$750,000, with three 12-month extension options in estimated amounts not to exceed \$250,000 for each extension option, for a total estimated contract amount not to exceed \$1,500,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the award and execution of a requirements supply contract with Premier Magnesia was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

33. Authorize award and execution of a 24-month requirements supply contract with U.S. PEROXIDE, LLC., for the purchase of hydrogen peroxide for use by Austin Water Utility for the treatment of wastewater in an estimated amount not to exceed \$275,800, with three 12-month extension options in an estimated amount not to exceed \$137,900 per extension option, for a total estimated contract amount not to exceed \$689,500. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the award and execution of a requirements supply contract with U.S. Peroxide, LLC was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

**Item 34 was pulled for discussion.**

35. Authorize award and execution of a 24-month requirements supply contract with FERGUSON ENTERPRISES, INC. dba FERGUSON WATER WORKS, for water fittings and accessories for the Austin Water Utility in an estimated amount not to exceed \$77,192, two 12-month extension options in an estimated amount not to exceed \$38,596 per extension option, for a total estimated contract amount not to exceed \$154,384. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

**The motion authorizing the award and execution of a requirements supply contract with Ferguson Enterprises, Inc. doing business as Ferguson Water Works was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

36. Authorize award and execution of a 24-month requirements supply contract with ASHBROOK SIMON-HARTLEY for repair parts for Klampress gravity belt thickner and belt presses for the Austin Water Utility in an estimated amount not to exceed \$60,000, with three 12-month extension options in an estimated amount not to exceed \$30,000 per extension option, for a total estimated contract amount not to exceed \$150,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)  
**The motion authorizing the award and execution of a requirements supply contract with Ashbrook Simon-Hartley was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
37. Authorized award and execution of a contract with XYLEM WATER SOLUTIONS, USA, INC, for the purchase of submersible pumps for the Austin Water Utility for a total contract amount not to exceed \$109,898. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)  
**The motion authorizing the award and execution of a contract with Xylem Water Solutions, USA, Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
38. Authorize award and execution of a 12-month service contract with RJN GROUP, INC. or one of the other qualified bidders for IFB-BV GAL0047, for the purchase of wastewater flow monitoring services for the Austin Water Utility in an estimated amount not to exceed \$525,390, with two 12-month extension options in an estimated amount not to exceed \$525,390 per extension option, for a total estimated contract amount not to exceed \$1,576,170. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)  
**The motion authorizing the award and execution of a service contract with RJN Group, Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
39. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with CALDWELL COUNTRY CHEVROLET for the purchase of 53 light-duty service vehicles in an amount not to exceed \$1,234,560 and PHILPOTT MOTORS, LTD for the purchase of 112 light-duty service vehicles in an amount not to exceed \$3,153,597. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). There were no subcontracting opportunities identified; therefore, no goals were established for this contract.)  
**The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Caldwell Country Chevrolet and Philpott Motors, LTD was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
40. Authorize award and execution of various requirements supply agreements for an 11-month period through the following cooperative purchasing programs: TEXAS MULTIPLE AWARD SCHEDULE with W.W. GRAINGER, INC., SID TOOL CO., INC. dba. MSC INDUSTRIAL SUPPLY CO., INC., APPLIED INDUSTRIAL TECHNOLOGIES, and FASTENAL COMPANY, for the purchase of industrial supplies and equipment for various City departments, in an estimated amount not to exceed \$5,000,000 each and combined, with five 12-month extension options in an estimated amount not to exceed \$5,000,000 each and combined per extension option, for a total estimated contract amount not to exceed \$30,000,000, each and combined. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

**The motion authorizing the award and execution of various requirements supply agreements through Texas Multiple Award Schedule with W.W. Grainger, Inc.; Sid Tool Co., Inc. doing business as MSC Industrial Supply Co., Inc.; Applied Industrial Technologies and Fastenal Company was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

41. Authorize award and execution of a 36-month requirements supply contract with CONSOLIDATED TRAFFIC CONTROLS, to provide pedestrian push buttons and latching control units for the Transportation Department, in an estimated amount not to exceed \$1,125,000, with three 12-month extension options in estimated amounts not to exceed \$375,000 for each extension option, for a total estimated contract amount not to exceed \$2,250,000. (Notes: This contract will be awarded in compliance with the City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the award and execution of a requirements supply contract with Consolidated Traffic Controls was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

42. Authorize negotiate and execution of a 36-month requirements supply agreement with TECHLINE INC. for the purchase of single-phase reclosers for Austin Energy in an amount not to exceed \$360,750, with three 12-month extension options in an amount not to exceed \$120,250 per extension option, for a total contract amount not to exceed \$721,500. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the negotiation and execution of a requirements supply agreement with Techline Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

43. Authorize negotiation and execution of three 24-month requirements supply agreements for the purchase of street light lamps for Austin Energy with: PRIESTER-MELL & NICHOLSON, INC. in an amount not to exceed \$423,300 with two 12-month extension options in an amount not to exceed \$211,650 per extension option, for a total contract amount not to exceed \$846,600; FACILITY SOLUTIONS GROUP in an amount not to exceed \$60,006 with two 12-month extension options in an amount not to exceed \$30,003 per extension option, for a total contract amount not to exceed \$120,012, and with HILL COUNTRY ELECTRIC SUPPLY in an amount not to exceed \$15,344, with two 12-month extension options in an amount not to exceed \$7,672 per extension option, for a total contract amount not to exceed \$30,688. The annual amount for all street light lamps required under these contracts will be for a total amount not to exceed \$249,325. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the negotiation and execution of requirements supply agreements with Priester-Mell & Nicholson, Inc.; Facility Solutions Group; and Hill Country Electric Supply was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

44. Authorize award and execution of a 36-month requirement services contract with DAVID E. BARRIENTOS, dba TSUNAMI CYCLES for bicycle maintenance and repair services for the Austin Police Department, Parks & Recreation Department, and Convention Center in an estimated amount not to exceed \$172,116, with three 12-month extension options in estimated amounts not to exceed \$57,372 per extension option, for a total estimated contract amount not to exceed \$344,232. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)



**The motion authorizing the award and execution of a requirement services contract with David E. Barrientos doing business as Tsunami Cycles was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

45. Authorize award and execution of contract with TAG ELECTRIC OF AUSTIN L.P., (MBE/MB) to provide aircraft ground support equipment charging stations for the Aviation Department in an estimated amount not to exceed \$355,380. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

**The motion authorizing the award and execution of a contract with Tag Electric of Austin L.P. (MBE/MB) was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

46. Authorize award and execution of a 36-month requirements service contract with ERIC RAMIREZ, DBA ACE PARKING LOT MAINTENANCE, to provide parking lot restriping services for the Transportation Department, in an estimated amount not to exceed \$39,000, with three 12-month extension options in estimated amounts not to exceed \$13,000 for each extension option, for a total estimated contract amount not to exceed \$78,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the award and execution of a requirements service contract with Eric Ramirez doing business as Ace Parking Lot Maintenance was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

47. Authorize award and execution of a 36-month requirements supply contract with VULCAN INC., to provide prefabricated traffic signs for the Transportation Department, in an estimated amount not to exceed \$975,000, with three 12-month extension options in estimated amounts not to exceed \$325,000 for each extension option, for a total estimated contract amount not to exceed \$1,950,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the award and execution of a requirements supply contract with Vulcan Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

48. Authorize award and execution of a 36-month requirements service contract with NILFISK-ADVANCE, INC. to provide runway rubber removal services for the Aviation Department in an estimated amount not to exceed \$152,812, with three 12-month extension options in an estimated amount not to exceed \$50,937 per extension option, for a total estimated contract amount not to exceed \$305,625. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

**The motion authorizing the award and execution of a requirements service contract with Nilfisk-Advance, Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

49. Authorize award and execution of a 12-month service requirements agreement with GOODWILL INDUSTRIES OF CENTRAL TEXAS for mattress collection and recycling processing services for the Austin Resource Recovery Department in an amount not to exceed \$277,800, with five 12-month extension options in an estimated amount not to exceed \$277,800 per option, for a total estimated contract amount not to exceed \$1,666,800. (Notes: This contract will be awarded in compliance with City Code

Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the award and execution of a service requirements agreement with Goodwill Industries of Central Texas was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

50. Authorize award, negotiation and execution of a 36-month requirements service contract with DELOITTE & TOUCHE LLP, for professional auditing services in an estimated not to exceed \$2,976,088, with two 12-month extension options in estimated amounts not to exceed \$1,036,608 for the first extension option, and \$1,064,703 for the second extension option, for a total estimated contract amount not to exceed \$5,077,399. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). Although no goals were established for this solicitation, 15.00% MBE subcontractor participation has been met.)

**The motion authorizing the award, negotiation and execution of a requirements service contract with Deloitte & Touche LLP was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

51. Authorize negotiation and execution of Amendment No. 3 to a contract with SOLAR TURBINES, INC., for an equipment and maintenance agreement for Austin Energy's Mueller Energy Center, to increase the three remaining extensions in an amount not to exceed \$60,000 each, for a revised total contract amount not to exceed \$860,100. (Notes: This contract was be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the negotiation and execution of amendment number three to a contract with Solar Turbines, Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

52. Authorize award and execution of a 36-month requirements supply agreement with INGRAM LIBRARY SERVICES, INC. for the purchase, cataloging, and processing of adult and juvenile books for the Austin Public Library in an estimated amount not to exceed \$6,451,650, with three 12-month extension options in estimated amounts not to exceed \$2,150,550 per extension option, for a total estimated contract amount not to exceed \$12,903,300. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the award and execution of a requirements supply agreement with Ingram Library Services, Inc. was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

53. Authorize award, negotiation, and execution of a 36-month requirements supply contract with TEXAS ELECTRIC COOPERATIVES, or one of the other qualified offerors to RFP No. GAL0009, to provide three-phase power transformers for Austin Energy in an estimated amount not to exceed \$38,097,969, with one 36-month extension option in an estimated amount not to exceed \$38,097,969, for a total estimated contract amount not to exceed \$76,195,938. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

**The motion authorizing the award, negotiation and execution of a requirements supply contract with Texas Electric Cooperatives was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

Items 54 and 55 were pulled for discussion.

56. 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 Riley's second on a 6-0 vote. Council Member Martinez was absent.**

### Nominations

#### Board/Nominee

#### Nominated by

#### Arts Commission

Ernest Auerbach

Mayor Pro Tem Cole

#### Austin Music Commission

Lindsey Sokol

Council Member Riley

#### Commission on Veterans Affairs

Phillip Gutierrez

Council Member Martinez

#### Construction Advisory Committee

Jason Cato

Council Member Martinez

#### Human Rights Commission

Sara Clark

Council Member Martinez

#### Mexican American Cultural Center Advisory Board

Anna Maciel

Council Member Martinez

57. Approve the re-appointment of Chris Riley as a director of the Capital Metropolitan Transit Authority Board of Directors for a term beginning on June 1, 2013 and ending on June 1, 2016. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez)  
**The motion to approve the re-appointment of Chris Riley as a director of the Capital Metropolitan Transit Authority Board of Directors was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
58. Approve an ordinance waiving certain fees and requirements and authorizing payment of certain costs for the July 4th North Shoal Creek Neighborhood Association Independence Day Parade sponsored by the North Shoal Creek Neighborhood Association which is to be held Thursday, July 4, 2013 on the streets and City parkland surrounding Pillow School. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo)  
**Ordinance No. 20130425-058 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
59. Approve an ordinance waiving certain fees for the Umlauf Garden Party annual fundraiser which is to be held Thursday, April 25, 2013 at the Umlauf Sculpture Garden and Museum at 605 Robert E. Lee Road; and provide for emergency passage. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo)  
**Ordinance No. 20130425-059 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**
60. Approve an ordinance amending the Fiscal Year 2012-2013 Parks and Recreation Department Operating Budget (Ordinance No. 20120910-001) to reduce expenditures in the amount of \$150,000 that were to be used to fund the Austin Playhouse; and amending the Fiscal Year 2012-2013 Health and Human Services Department Operating Budget (Ordinance No. 20120910-001) to increase expenditures in the amount of

\$150,000 to provide additional funding for Skillpoint Alliance. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Laura Morrison CO2: Council Member Mike Martinez)

**Ordinance No. 20130425-060 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 5-0 vote. Council Member Tovo abstained. Council Member Martinez was absent.**

61. Approve a resolution directing the City Manager to identify appropriate funding sources to provide \$150,000 to Austin Playhouse contingent on Austin Playhouse providing written commitments to cover all project costs by June 15, 2013. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo)

**Resolution No. 20130425-061 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 5-1 vote. Mayor Leffingwell voted nay. Council Member Martinez was absent.**

62. Approve an ordinance waiving certain fees and requirements for the Lady Bird Lake Festival which is to be held Tuesday, May 21, 2013 at Fiesta Gardens. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley CO 2: Council Member Kathie Tovo)

**Ordinance No. 20130425-062 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

63. Approve an ordinance waiving certain fees and requirements for the 2013 Mother Earth Day Festival which is to be held Friday, May 10, 2013 at the Springs in Zilker Park. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley CO 2: Council Member Kathie Tovo)

**Ordinance No. 20130425-063 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

64. Approve an ordinance amending the community benefit charge schedule of Ordinance No. 20120607-055 to define eligibility criteria for the Austin Energy customer assistance program. Related to Item #65. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Council Member Laura Morrison)

**Ordinance No. 20130425-064 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

65. Approve a resolution directing the City Manager to reinstate customers who have been dropped from the Austin Energy customer assistance program because of changes made by Ordinance No. 20120607-055 to the wording of the program's eligibility criteria. Related to Item #64. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Mike Martinez CO 2: Council Member Laura Morrison)

**Resolution No. 20130425-065 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

66. Approve an ordinance reimbursing certain parking fees for the DeafBlind volunteer Support Services Providers event that took place Saturday, April 13, 2013 at Emma Long Metropolitan Park. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)

**Ordinance No. 20130425-066 was approved on consent on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

67. Set a public hearing to consider an ordinance amending City Code Title 25 to improve compliance, notification, enforcement, and efficiency of short-term rental regulations. (Suggested date and time: May 9, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

**The public hearing was set on consent for May 9, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, Texas on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

68. Set a public hearing to consider an ordinance amending various sections of City Code Title 25 (Land Development) to clarify definitions and regulations related to bicycle and motor vehicle parking requirements, calculations and reductions; and establishing a bicycle parking fund. (Suggested date and time: May 9, 2013, 4:00 p.m. Austin City Hall, 301 W. Second Street, Austin, TX).

**The public hearing was set on consent for May 9, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, Texas on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

69. Set a public hearing regarding Texas Gas Service's proposal to increase customer gas rates. (Suggested date and time; May 9, 2013, 4:00 p.m. at City Hall; 301 W. Second Street, Austin, TX)

**The public hearing was set on consent for May 9, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, Texas on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

Items 76 and 77 were briefing items set for 10:30 a.m.

Items 78 through 80 were Executive Session items.

Items 81 through 92 were zoning items set for 2:00 p.m.

Items 93 through 107 were public hearing items set for 4:00 p.m.

### **DISCUSSION ITEMS**

2. Authorize negotiation and execution of agreements with Ecobee, EnergyHub, and other thermostat vendors who qualify for participation in Austin Energy's Power Partner Program for a demand response program to provide customer incentives in exchange for thermostat data access, for a combined total amount not to exceed \$950,000 over a 24-month period.

**The motion authorizing the negotiation and execution of agreements with Ecobee, EnergyHub and other thermostat vendors was approved on Council Member Tovo's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was absent.**

7. Approve an ordinance amending City Code Chapter 15-6 (Solid Waste Service), regarding regulating of recycling and composting.

**Ordinance No. 20130425-007 was approved on Council Member Riley's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was absent.**

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

**Resolution No. 20130425-027 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was absent.**

34. Authorize award, negotiation, and execution of a 60-month services requirements contract with MARSH USA, Inc., for the administration services of the Rolling Owner Controlled Insurance Program (ROCIP VI) in an amount not to exceed \$875,000; and to authorize the administrator to negotiate and purchase workers' compensation, general liability, and excess liability insurance coverage for contractors that participate in construction projects included in ROCIP VI in an amount not to exceed \$6,455,000 for a total contract not to exceed \$7,330,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

**This item was postponed to May 9, 2013 on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 6-0 vote. Council Member Martinez was absent.**

**BRIEFINGS**

76. Austin Water and Graywater Working Group Joint Briefing.  
**The presentation was made by Daryl Slusher, Assistant Director and Drema Gross, Division Manager, Austin Water Utility and Paige Hill, Graywater Working Group.**
77. Affordable Housing Bond Update  
**The presentation was made by Bert Lumbreras, Assistant City Manager; Rebecca Giello, Assistant Director, Neighborhood Housing; Mike Trimble, Capital Planning Office; and Mandy DeMayo and Terry Mitchell, Austin Housing Works.**

**CITIZEN COMMUNICATIONS: GENERAL**

Rae Nadler-Olenick - Water Fluoridation

Carlos León - 1.) Chemtrails got to go 2.) Truth rules 3.) What goes on in the dark must be shown under the light 4.) Repent, pray, seek God

Tom Prentice - Electric Utility

Anthony Walker - The Byron Carter shooting

James Gribble - The Limited District

Karrie Mannella - University Hills Optomist Club

Cynthia Valadez - 1.) Different neighborhood issues 2.) Funding disparity affecting our community's health

Paul Robbins - City issues

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

Clay Dafoe - How Mayor Shelly Lee Leffingwell interrupts citizens, breaches decorum, violates civil rights, and throws temper tantrums as presiding officer of the Austin City Council.

**Mayor Pro Tem Cole recessed the Council Meeting to go into Executive Session at 12.44 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.**

**Mayor Pro Tem Cole announced that Council would discuss item number 54 on the regular agenda during Executive Session.**

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

**This item was withdrawn.**

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

**This item was withdrawn.**

80. Discuss legal issues related to Austin Fire Department cadet hiring processes (Private consultation with legal counsel-Section 551.071).

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:32 p.m.**

### **ZONING CONSENT ITEMS**

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

81. C14-2012-0028 - 3rd & Colorado - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 301 and 311 Colorado Street, and 114 West 3rd Street (Town Lake Watershed) from central business district-central urban redevelopment district (CBD-CURE) combining district zoning to central business district-central urban redevelopment district (CBD-CURE) combining district zoning, to change a condition of zoning. First reading approved on August 16, 2012. Vote 7-0. Applicant: S/H Austin Partnership (John Beauchamp). Agent: Winstead, P.C. (Stephen O. Drenner). City Staff: Clark Patterson, 974-7691.

**This item was postponed to May 9, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent.**

82. C14-2008-0159(RCA) - 3rd & Colorado - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 301 and 311 Colorado Street, and 114 West 3rd Street (Town Lake Watershed) to amend a portion of the Restrictive Covenant as it relates to certain uses and development standards. Staff Recommendation: To grant an amendment to a portion of the Restrictive Covenant. Planning Commission Recommendation: To grant an amendment to a portion of the Restrictive Covenant. Applicant: S/H Austin Partnership (John Beauchamp). Agent: Winstead, P.C. (Stephen O. Drenner). City Staff: Clark Patterson, 974-7691.

**This item was postponed to May 9, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent.**

83. 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 May 14, 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 to June 6, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent.**

84. C14-2012-0079 - ACC Rio Grande Campus #1 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1218 West Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning and public (P) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district

zoning. Applicant: Austin Community College (William Mullane). Agent: MWM Design Group (Frank Del Castillo, Jr.). City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent indefinitely on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)**

85. C14-2012-0080 - ACC Rio Grande Campus #2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1204 West Avenue (Shoal Creek Watershed) from limited office (LO) district zoning, multi-family residence-moderate-high density (MF-4) district zoning and general commercial services (CS) district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Austin Community College (William Mullane). Agent: MWM Design Group (Frank Del Castillo, Jr.). City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent indefinitely on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)**

86. C14-2012-0081 - ACC Rio Grande Campus #3 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1212 Rio Grande Street (Shoal Creek Watershed) from unzoned (UNZ) on Tract 1 and unzoned-historic landmark (UNZ-H) combining district zoning on Tract 2 to downtown mixed use (DMU) district zoning on Tract 1 and downtown mixed use-historic landmark (DMU-H) combining district zoning on Tract 2. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning on Tract 1 and downtown mixed use-historic landmark-conditional overlay (DMU-H-CO) combining district zoning on Tract 2. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning on Tract 1 and downtown mixed use-historic landmark-conditional overlay (DMU-H-CO) combining district zoning on Tract 2. Applicant: Austin Community College (William Mullane). Agent: MWM Design Group (Frank Del Castillo, Jr.). City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent indefinitely on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)**

87. C14-2012-0082 - ACC Rio Grande Campus #4 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1209 Rio Grande Street (Shoal Creek Watershed) from general office (GO) district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning to downtown mixed use (DMU) district zoning. Staff Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-conditional overlay (DMU-CO) combining district zoning. Applicant: Austin Community College (William Mullane). Agent: MWM Design Group (Frank Del Castillo, Jr.). City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent indefinitely on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent. (Under City Code, items postponed indefinitely are withdrawn from the active agenda and must be re-noticed before being placed back on the council agenda.)**

89. C14-2012-0100 - Woodland Commercial Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1640 South IH-35



(Harper's Branch Watershed) from community commercial-conditional overlay-neighborhood plan (GR-CO-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, with conditions. Planning Commission Recommendation: To be reviewed on May 14, 2013. Owner: Woodland I-35, LP (Billy Reagan II). Applicant: Brown McCarroll LLP (Nikelle Meade). City Staff: Lee Heckman, 974-7604.

**This item was postponed to May 23, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent.**

90. C814-2012-0160 - 211 South Lamar Boulevard Planned Unit Development - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 211 South Lamar Boulevard (Lady Bird Lake Watershed) from general commercial services (CS) district zoning and general commercial services-vertical mixed use building (CS-V) combining district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning. Planning Commission Recommendation: To be reviewed on April 23, 2013. Owner: Post Paggi, LLC (Jason Post). Applicant: Winstead PC (Stephen O. Drenner). City Staff: Lee Heckman, 974-7604.

**This item was postponed to May 23, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent.**

91. C814S-86-030.03 - 1601 W. Stassney - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1601 West Stassney Lane (Williamson Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning, to change a condition of zoning. Planning Commission Recommendation: To grant planned unit development (PUD) district zoning, to change a condition of zoning. Owner/Applicant: Lonestar Soccer Club, Inc. (Ann S. Bishop). Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson Lynch). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130425-091 for planned unit development (PUD) district zoning, to change a condition of zoning was approved on consent with the following additional condition on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent. The additional condition was the use of the existing water well on lot 2 will cease and the historic pumping permit will be retired when the site is no longer being used for soccer fields.**

#### **DISCUSSION ITEMS CONTINUED**

54. Approve an ordinance amending City Code Chapter 13-2 relating to ground transportation passenger services.

**This item was postponed to May 23, 2013 on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were Council Members Morrison and Tovo. Council Member Martinez was absent.**

55. Authorize execution of an interlocal agreement between the City, Capital Metropolitan Transportation Authority, and Lone Star Rail District for coordinated planning and development of high-capacity transit projects for Central Texas, including Urban Rail.

**The motion authorizing the execution of an interlocal agreement between the City, Capital Metropolitan Transportation Authority and Lone Star Rail District was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 6-0 vote. Council Member Martinez was off the dais. Direction was given to staff to provide Council with an oral briefing on the interlocal agreement every two months with the first briefing to be conducted after the timeline**

shedule has been completed and brief Council on the highlights of the schedule and the benchmarks over the next eighteen months.

#### **ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS**

70. Approve second and third readings of an ordinance amending City Code Chapter 25-2 to create the East Riverside Corridor (ERC) zoning district, adopt a regulating plan for the district, amend Subchapter E: Design Standards & Mixed Use to exempt the ERC zoning district, and approve a collector street plan for the East Riverside Corridor Area on property located along or in proximity to East Riverside Drive, between IH-35 on the west and State Highway 71 on the east. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012.

**There was a motion made by Council Member Spelman and seconded by Mayor Pro Tem Cole to approve the second reading of the ordinance with amendments to the East Riverside Corridor Regulating Plan.**

- On pages 11-18, figures 1-1 to 1-8, change the label in the key from “East Riverside Corridor Zoning District Boundary” to “East Riverside Corridor Planning Area Boundary.”
- On pages 19-23, figures 1-9 through 1-13, Subdistrict Development Regulations, Environmental Maximum Impervious Cover Citations change from City of Austin Environmental Criteria Manual (ECM) to the Land Development Code (LDC) Section 25-8.
- On page 24, add a new Figure 1-14, East Riverside Corridor (ERC) Future Land Use Map (November 8, 2012 draft).
- On page 39, correct figure 3-4 to show the correct dimensions of the clear zone and planting zone as stated in figure 3-2, the required standards for public sidewalks within the East Riverside Corridor Zoning District.
- On page 55, replace figure 4-1 (Two Story Minimum Requirements) with the November 8, 2012 draft.
- On page 56, Subsection 4.2.3.D.1 Impervious Cover change to just cite the LDC Section 25-8.
- On page 81, Subsection 4.11.3.A change to just cite the LDC Section 25-8.
- On page 81, Subsection 4.11.3.B change citation from the LDC Section 25-2-601 to the LDC Section 25-1-601 and from the LDC Section 25-2-063 to the LDC Section 25-1-603.
- On page 97, Subsection 6.4.1.B.4 modify to cite 6.4.1.B.1.
- On page 97, Subsection 6.4.1.B.5 modify to cite 6.4.1.B.1.
- On page 59, Subsection 4.2.4.D.2.b remove “Outdoor dining (not after 10:00 pm)” from list of permitted activities in the restricted use zone.
- On page 61, Subsection 4.2.4.D.4.b.ii should read “Automobiles in a parking structure must be screened from public view from the public right of way and from the triggering property.”
- On page 62, Subsection 4.2.4.E remove subsections 1 and 2 and modify subsection 3 to read “Variances may only be granted by the Board of Adjustment due to hardship, per LDC Section 25-2-473 (Variance Requirements).”
- On page 77, Subsection 4.9.3.C (paragraph after subsection 7) should read “Where private common open space areas, trails, parks, or other public spaces exist or are proposed in the Montopolis Greenbelt Trail route, the Country Club Creek Trail route, or in the City of Austin Trails Master Plan, Austin Parks and Recreation Long-Range Plan, Sidewalk Master Plan, or Bicycle Plan within or adjacent to the tract to be subdivided or developed, the private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing or proposed trail, park, or other open area land. Public access easements may be required in order to guarantee public access to these facilities.”

- On page 97, Subsection 6.4.1.C.2 should read “The developer shall pay into the Transit Area Housing Assistance Fund 100 percent of the fee prescribed by Subsection 3, Below for each square foot of the bonus area granted through the provision of this public benefit.”
- On page 97, Subsection 6.4.1.C.3, should read “The fee to be paid into the City fund for each square foot of Bonus Area will be recalculated based on the Austin Downtown Plan. This fee should be reviewed as needed, or at least every five years.”
- On page 97, Subsection 6.4.1.C.3 remove the \$.50 fee.
- On page 32, figure 2-1 make Congregate Living a permitted use in all East Riverside Corridor Subdistricts.
- On page 4, Subsection 1.2.3.D.1 should read “Development that does not require a site plan under LDC Section 25.5.2(B), (C), (D.1.a. through i.), (E), (F), (G), H), (I) or (J), except that Section 4.6 (Exterior Lighting) shall apply.”
- On page 15, modify the collector street map to account for an existing drainage way. See revised Figure 1-5: East Riverside Corridor Collector Street Map (November 8, 2012 draft) and associated Figure 1-3: East Riverside Corridor Roadway Type Map (November 8, 2012 draft).
- On page 51, Subsection 3.5.6.C should read “Alleys should be used mid-block for service access and shall not substitute for streets required to meet the minimum block size or connectivity requirements in this Section, but may be used for emergency vehicle access if approved by the Fire Department.”
- On pages 19-23, figures 1-9 to 1-13 change the following Floor-to-Area Ratio (FAR) in each figure to 60% of the minimum Floor-to-Area Ratio (FAR) allowed for each Subdistrict.
- On page 62, Subsection 4.2.4.D.5.b (Compatibility Standards – Additional Standards) should read “Any permanently place refuse receptacle, including a dumpster, may not be located 50 feet or less from adjoining triggering property. The location of and access to any permanently placed refuse receptacle, including a dumpster, must comply with guidelines published by the City. The Planning and Development Review Department shall review and must approve the location of and access to each refuse receptacle on a property.”
- On page 62, Subsection 4.2.4.D.5.c (Compatibility Standards – Additional Standards) should read “Collection or dumping of any permanently placed refuse receptacle 100 feet or less from adjoining triggering property is prohibited between 10:00 pm and 7:00 am.”
- On page 69, Subsection 4.4.3 (Shared Parking) should read “Optional Shared Parking.”
- On page 69, Subsection 4.4.4 (Reduction of Minimum Off-Street Parking Requirements) should read “Optional Reduction of Minimum Off-Street Parking Requirements.”
- On page 73, Subsection 4.7.2.B (Screening of Equipment and Utilities) delete “and acoustic impacts” to be consistent with proposed Subchapter E amendments.
- On page 95, Subsection 6.3.2 (Density Bonus Standards) add at the end of paragraph, “If final bonus square footage is different than the amount estimated at the site plan approval stage, the public benefit requirements will be adjusted accordingly. The final public benefit requirements will be documented before a certificate of occupancy will be granted.”
- On page 97, Subsection 6.4.1.B.4. (Affordability Requirements for Owner-Occupied Units) should read “Habitable space (as defined in Article 7 Definitions) as required in 6.4.1.A.1 shall be reserved as affordable through a City approved affordable housing land trust or other shared equity model approved by the Director of Neighborhood Housing and Community Development (NHCD), for not less than 99 years from the date of certificate of occupancy is issued, for ownership and occupancy by households earning no more than 80 percent of the Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the Director of NHCD.”
- On page 97, Subsection 6.4.1.B.5 (Affordability Requirements for Rental Units) should read “Habitable space (as defined in Article 7 Definitions) as required in 6.4.1.A.1 shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of

occupancy, for rental by households earning no more than 60 percent of the Annual Median Family Income.”

- On page 106, Article 7, add the following definition “Habitable space – Interior square footage designed for people to live in. Habitable space will be measured to the inside surface of the party or exterior walls of the unit.”
- On page 27, Subsection 2.3.5.B (Drive-Through Facilities) delete the text of Subsection B and replace with the following, “A property containing a drive-through facility legally constructed or permitted prior to (insert ERC Regulating Plan adoption date), is not subject to this Subsection 2.3.5.A. Construction on said properties can include the replacement of a drive-through facility, but construction will be subject to all standards in the ERC Regulating Plan according to the applicability standards in Section 1.2 Applicability. The number of drive-through bays or lanes can only be increased from the number existing as of the above date using a conditional use permit.”
- On page 72, Subsection 4.5 (Drive-Through Facilities) should read “Unless legally constructed or permitted prior to (insert East Riverside Corridor Regulating Plan adoption date), drive through facilities are not allowed in the East Riverside Corridor Zoning District.”
- On page 28, Land Use Table modify “Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type) to be conditional uses in the Neighborhood Mixed Use (NMU) Subdistrict with the following additional requirements. Land use cannot be utilized as a rationale to seek Alternative Equivalent Compliance.”
- On page 7, add new Subsection A. Required Notice, Section 1.4.3 (Alternative Equivalent Compliance Procedure) to read: “If an applicant submits a request for Alternative Equivalent Compliance (AEC) for a site plan, city staff will send notification of that request to registered Neighborhood Organizations and the Neighborhood Plan Contact Teams with boundaries within 500 feet of the property for which the AEC is requested. Written comments about the AEC request maybe submitted to the Planning and Development Review Department site plan case manager within 14 days of the date AEC notice is sent. Staff will take comments into consideration during AEC review.”

There was a motion made by Council Member Morrison and seconded by Council Member Tovo to amend Subsections 2.3.5.B and 4.5 as follows. The motion failed on a vote of 3-3. Those voting aye were Council Members Morrison, Riley and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Spelman. Council Member Martinez was absent.

- On page 27, Subsection 2.3.5.B (Drive-Through Facilities) – Delete the text of Subsection B and replace with the following: “A property containing a drive-through facility legally constructed or permitted prior to [insert ERC Regulating Plan adoption date], is not subject to this Subsection 2.3.5.A. for a period of five years after [insert ERC Regulating Plan adoption date]. Construction on said properties can include the replacement of a drive-through facility, but construction will be subject to all standards in the ERC Regulating Plan according to the applicability standards in Section 1.2 Applicability. The number of drive through bays or lanes can only be increased from the number existing as of the above date using a conditional use permit. Five years after [insert ERC Regulating Plan adoption date], all existing drive-through facilities will become subject to Article 8 Noncomplying Structures in the City LDC Sections 25-2-961 through 25-2-964, and existing drive-through facilities will no longer be able to be replaced.”
- On page 72, Subsection 4.5 (Drive-Through Facilities) – Modify to read: “Unless legally constructed or permitted prior to [insert ERC Regulating Plan adoption date], drive-through facilities are not allowed in the ERC Zoning District. Five Years after [insert ERC Regulating Plan adoption date], all existing drive-through facilities will become subject to Article 8 Noncomplying Structures in the City LDC Sections 25-2-961 through 25-2-964, and existing drive-through facilities will no longer be able to be replaced.”

There was a motion made by Council Member Spelman and seconded by Mayor Pro Tem Cole to Permit service stations currently in existence and not permit service stations not yet in existence throughout the Riverside Plan establishing the following two new uses. The motion failed on a vote of 3-3. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Spelman. Those voting nay were Council Members Morrison, Riley and Tovo. Council Member Martinez was absent.

The uses are:

- Use number one - service stations existing prior to May 1, 2013 will be permitted in CMU, MU and IMU; and
- Use number two - a service station not existing prior to May 1, 2013 will only be permitted in industrial mixed use zones.

The second reading of the ordinance was approved with the amendments listed above to the East Riverside Corridor Regulating Plan on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. Council Member Martinez was absent.

71. NPA-2012-0021.02 - East Riverside Corridor Regulating Plan (East Riverside/Oltorf Combined (ERO) Neighborhood Planning Area) - Approve second/third readings of an ordinance amending Ordinance No. 20061116-055, an element of the Imagine Austin Comprehensive Plan by adopting the East Riverside Corridor Regulating Plan and changing the future land use designations of approximately 815 acres from various future land use designations to Specific Regulating District (SRD), on property in the ERO Neighborhood Planning Area located along or in proximity to East Riverside Drive, between IH-35 on the west and Grove Boulevard on the east (Harper's Branch Watershed, Town Lake Watershed, Country Club East Creek Watershed, Country Club West Creek Watershed, Carson Creek Watershed). First Reading approved on March 7, 2013. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012.

**The second reading of the ordinance was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 5-0 vote. Council Member Tovo recused herself. Council Member Martinez was absent.**

72. NPA-2012-0005.04 - East Riverside Corridor Regulating Plan (Montopolis Neighborhood Planning Area) - Approve second/third readings of an ordinance amending Ordinance No. 010927-05, an element of the Imagine Austin Comprehensive Plan by adopting the East Riverside Corridor Regulating Plan and changing the future land use designations of approximately 271 acres from various future land uses designations to Specific Regulating District (SRD), on property in the Montopolis Neighborhood Planning Area located along or in proximity to East Riverside Drive, between Grove Boulevard on the west and State Highway 71 on the east (Country Club East Creek Watershed, Carson Creek Watershed, Colorado River Watershed). First Reading approved on March 7, 2013. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012.

**The second reading of the ordinance was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was absent.**

73. C14-2012-0111a - East Riverside Corridor Regulating Plan (East Riverside Neighborhood Planning Area) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 13 tracts (approximately 228 acres) within the East Riverside Corridor Regulating Plan boundaries, on property in the East Riverside Neighborhood Planning Area located along or in proximity to East Riverside Drive, between IH-35 on the west and Pleasant Valley Road on the east (Harper's Branch Watershed, Town Lake Watershed, Country Club West Creek Watershed) from unzoned, rural

residence-neighborhood plan (RR-NP) combining district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning, multi-family residence-medium density (MF-3) district zoning, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning, multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, multi-family residence-moderate-high density (MF-4) district zoning, multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning, multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CONP) combining district zoning, limited office-neighborhood plan (LO-NP) combining district zoning, limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning, general office-neighborhood plan (GO-NP) combining district zoning, general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, general office-mixed-use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, neighborhood commercial-neighborhood plan (LR-NP) combining district zoning, neighborhood commercial-vertical mixed use building-conditional overlay-neighborhood plan (LR-V-CO-NP) combining district zoning, community commercial (GR) district zoning, community commercial-conditional overlay (GR-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, community commercial-neighborhood plan (GR-NP) combining district zoning, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, warehouse/limited office-conditional overlay-neighborhood plan (W/LO-CO-NP) combining district zoning, general commercial services(CS) district zoning, general commercial services-conditional overlay (CS-CO) combining district zoning, general commercial services-neighborhood plan (CS-NP) combining district zoning, general commercial services-mixed-use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, commercial-liquor sales (CS-1) district zoning, commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning, commercial-liquor sales-mixed-use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning, and lake commercial-conditional overlay-neighborhood plan (L-CO-NP) combining district zoning to East Riverside Corridor (ERC) district zoning. The proposed zoning changes will implement the land use recommendations of the adopted East Riverside Corridor (ERC) Master Plan. First Reading approved on March 7, 2013. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012.

**The second reading of the ordinance to grant East Riverside Corridor (ERC) district zoning to all property in the area except Tracts 6, 22, and 19 was approved on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 5-0 vote. Council Member Tovo recused herself. Council Member Martinez was absent.**

**The motion to rezone 1600 S Pleasant Valley Road (Tract 6) to Commercial Mixed-Use (CMU) and make the property eligible for 120 feet of height under the East Riverside Corridor Development Bonus was approved on second reading on Council Member Spelman's motion, Mayor Leffingwell's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. Council Member Martinez was absent.**

**The motion to rezone 2229 East Riverside Drive (Tract 22) to Commercial Mixed-Use (CMU) was approved on second reading on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 5-1 vote. Council Member Tovo voted nay. Council Member Martinez was off the dais.**

**The motion to rezone 1725 East Riverside Drive (Tract 19) to Commercial Mixed-Use (CMU) was approved on second reading on Council Member Morrison's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

**The motion to rezone 2001 East Riverside Drive (Tract 19) to Commercial Mixed-Use (CMU) was approved on second reading on Council Member Spelman's motion, Council Member Riley's second on a 6-0 vote. Council Member Martinez was absent.**

74. C14-2012-0111b - East Riverside Corridor Regulating Plan (Pleasant Valley Neighborhood Planning Area) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 14 tracts (approximately 365 acres) within the East Riverside Corridor Regulating Plan boundaries, on property in the Pleasant Valley Neighborhood Planning Area located along or in proximity to East Riverside Drive, between Pleasant Valley Road on the west and Grove Boulevard on the east (Country Club East Creek Watershed, Country Club West Creek Watershed) from rural residence (RR) district zoning, rural residence-neighborhood plan (RR-NP) combining district zoning, single family residence-large lot-neighborhood plan (SF-1-NP) combining district zoning, single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning, family residence-neighborhood plan (SF-3-NP) combining district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning, multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning, multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, multi-family residence-moderate-high density (MF-4) district zoning, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning, general office-mixed-use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, neighborhood commercial-mixed use-conditional overlay (LR-MUCO) combining district zoning, neighborhood commercial-neighborhood plan (LR-NP) combining district zoning, neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning, community commercial (GR) district zoning, community commercial-conditional overlay (GR-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, community commercial-neighborhood plan (GR-NP) combining district zoning, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning, warehouse/limited office-conditional overlay-neighborhood plan (W/LOCO-NP) combining district zoning, general commercial services (CS) district zoning, general commercial services-conditional overlay (CS-CO) combining district zoning, general commercial services-mixed-use-neighborhood plan (CS-MU-NP) combining district zoning, commercial-liquor sales (CS-1) district zoning, commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning, industrial park-neighborhood plan (IP-NP) combining district zoning, and limited industrial service-neighborhood plan (LI-NP) combining district zoning to East Riverside Corridor (ERC) district zoning. The proposed zoning changes will implement the land use recommendations of the adopted East Riverside Corridor (ERC) Master Plan. First Reading approved on March 7, 2013. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012.

**The second reading of the ordinance to grant East Riverside Corridor (ERC) district zoning all 14 tracts with the exception of tract 10 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Martinez was absent.**

**The motion to rezone 5600 East Riverside Drive (Tract 10) to Neighborhood Mixed-Use (NMU) was approved on second reading on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. Council Member Martinez was absent.**

**A motion to grant the neighbor's request to not rezone 5617, 5701, 5709, and 5717 Penick Drive (tract #10) was approved on second reading on Council Member Morrison's motion, Council Member Tovo's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem**

**Cole, Council Members, Morrison and Tovo. Those voting nay were: Council Members Riley and Spelman.**

**The motion to rezone 5602 Penick Drive (Tract 10) to Neighborhood Mixed-Use (NMU) was approved on first reading on Council Member Riley's motion, Council Member Spelman's second on a 4-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. Council Member Martinez was absent.**

75. C14-2012-0112 - East Riverside Corridor Regulating Plan (Montopolis Neighborhood Planning Area) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 11 tracts (approximately 235 acres) within the East Riverside Corridor Regulating Plan boundaries, on property located in the Montopolis Neighborhood Planning Area along or in proximity to East Riverside Drive, between Grove Boulevard on the west and State Highway 71 on the east (Country Club East Creek Watershed, Carson Creek Watershed, Colorado River Watershed) from rural residence-neighborhood plan (RR-NP) combining district zoning, family residence-neighborhood plan (SF-3-NP) combining district zoning, single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning, multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning, multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning, multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, multi-family residence-medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning, general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, neighborhood commercial-neighborhood plan (LR-NP) combining district zoning, neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning, community commercial-neighborhood plan (GR-NP) combining district zoning, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CONP) combining district zoning, general commercial services-neighborhood plan (CS-NP) combining district zoning, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and limited industrial service-neighborhood plan (LI-NP) combining district zoning to East Riverside Corridor (ERC) district zoning. The proposed zoning changes will implement the land use recommendations of the adopted East Riverside Corridor (ERC) Master Plan. First Reading approved on March 7, 2013. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012.

**The second reading of the ordinance to grant East Riverside Corridor (ERC) district zoning to all 11 tracts with the exceptions of track 16, 15, 17 and 31 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent.**

**A motion to rezone Vargas Road, north of East Riverside Drive (ABS Delvalle S ACR 17.090) (Tract 16) to Neighborhood Mix-Use (NMU) was approved on second reading on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Martinez was absent.**

**A motion to rezone 1700 ½ Frontier Valley Road (Tract 15) to Neighborhood Residential (NR) was approved on second reading on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was absent.**

**A motion was made by Council Member Spelman and seconded by Mayor Leffingwell to not rezone 7600-7812 East Ben White Boulevard (Tract 17). The motion failed on a vote of 2-4. Those voting**



aye were: Mayor Leffingwell and Council Member Spelman. Those voting nay were: Mayor Pro Tem Cole and Council Members Morrison, Riley and Tovo. Council Member Martinez was absent.

A motion to rezone 7600-7812 East Ben White Boulevard (Tract 17) to Commercial Mix-Use (CMU) was approved on second reading on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 5-1 vote. Mayor Leffingwell voted nay. Council Member Martinez was absent.

A motion to rezone 6301 East Riverside Drive (Tract 31) to Commercial Mixed-Use (CMU) was approved on second reading on Council Member Riley's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was absent.

### **ZONING DISCUSSION ITEMS CONTINUED**

88. 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: To grant downtown mixed use-conditional overlay-central urban redevelopment district (DMU-CURE) combining district zoning for Tract 1 and downtown mixed use (DMU) district zoning for Tract 2. Applicant: Cirrus Logic, Inc. (Thurman Case). 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 ordinance on first reading for downtown mixed use-conditional overlay-central urban redevelopment district (DMU-CURE) combining district zoning for Tract 1 and downtown mixed use (DMU) district zoning for Tract 2 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-1 vote. Council Member Tovo voted nay. Council Member Martinez was absent.**

92. C14-2009-0151(RCA) - Shoal Creek Walk - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 835 West 6th Street (Town Lake Watershed) to amend a portion of the Restrictive Covenant as it relates to open space and Shoal Creek improvements. Staff Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to open space and Shoal Creek improvements. Planning Commission Recommendation: To grant an amendment to a portion of the Restrictive Covenant as it relates to open space and Shoal Creek improvements. Applicant: Schlosser Development, L. P. (Bradley Schlosser). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Clark Patterson, 974-7691.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130425-092 for amendment to a portion of the Restrictive Covenant as it relates to open space and Shoal Creek improvements was approved with the following additional condition on Council Member Morrison's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was absent.**

**The additional condition:**

- **The property owner shall maintain and clean on a weekly basis the surface of the walkway and the portion of the western bank of Shoal Creek that abutts the property between the bridges at Fifth Street and Sixth Street.**

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

Items 93, 94 and 96 through 101 were acted on by one motion.

93. 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 June 6, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Member Morrison was off the dais. Council Member Martinez was absent.**
94. 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 June 6, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Member Morrison was off the dais. Council Member Martinez was absent.**
96. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter E, relating to design standards and mixed use for development projects.  
**This item was postponed to May 9, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Member Morrison was off the dais. Council Member Martinez was absent.**
97. Conduct a public hearing to consider an ordinance amending Titles 25 and 8 of the City Code.  
**This item was withdrawn on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Member Morrison was off the dais. Council Member Martinez was absent.**
98. Conduct a public hearing to consider an ordinance repealing and replacing Article 6 of City Code Chapter 25-12 to adopt the 2012 Uniform Plumbing Code and local amendments.  
**This item was postponed to May 9, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Member Morrison was off the dais. Council Member Martinez was absent.**
99. Conduct a public hearing to consider an ordinance repealing and replacing Article 5 of City Code Chapter 25-12 to adopt the 2012 Uniform Mechanical Code and local amendments.  
**This item was postponed to May 9, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Member Morrison was off the dais. Council Member Martinez was absent.**
100. Conduct a public hearing to consider an ordinance amending Article 4 of City Code Chapter 25-12 (the Electric Code) to correct typographical errors and clarify certain provisions.  
**This item was postponed to May 9, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Member Morrison was off the dais. Council Member Martinez was absent.**
101. Conduct a public hearing to consider an ordinance repealing and replacing Article 9 of City Code Chapter 25-12 to adopt the 2012 International Property Maintenance Code and local amendments.  
**This item was postponed to May 9, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-0 vote. Council Member Morrison was off the dais. Council Member Martinez was absent.**
95. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 relating to the issuance of temporary use permits for outdoor assembly.

The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent. Direction was given to staff to conduct more work on the ordinance and address the following:

- Look at limiting the duration
- Consider sinking up time allowances in music permit and outdoor sound permit
- Consider consequences for holding unpermitted events

There was a friendly amendment made by Council Member Morrison to hold open the public hearing portion of the item. This was not accepted by the maker of the motion.

102. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 which established the North Burnet/Gateway Zoning District and adopted the Regulating Plan, to include the North Burnet/Gateway Zoning District Subdistrict Map, which will allow the Regulating Plan to be updated in accordance with zoning procedures.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130425-102 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent.

104. Conduct a public hearing and consider an ordinance amending Ordinance No. 20090312-035 concerning the North Burnet Gateway District sign regulations, adding a section related to building stories, defining two-story minimum, and correcting the reference to Urban Watersheds.

The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130425-104 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-0 vote. Council Member Martinez was absent.

Mayor Leffingwell recessed the Council Meeting at 5:25 p.m.

### LIVE MUSIC

McCallum Chamber Guitar Ensemble

### PROCLAMATIONS

Proclamation -- National Infant Immunization Awareness Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Coleen Christian

Proclamation -- 20 Years of Unplugged at The Grove -- to be presented by Mayor Lee Leffingwell and to be accepted by Rusty Zagst

Distinguished Service Award -- Kitzy Daniels, Municipal Court -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- Bike Month, Bike to School Day and Bike to Work Day -- to be presented by Council Member Chris Riley and to be accepted by Annick Beaudet and Chris Moore

Proclamation -- Pebble Project -- to be presented by Council Member Kathie Tovo and to be accepted by Suki Steinhauer

Distinguished Service Award -- Eric Kaufman, Watershed Protection Department -- to be presented by Council Member Kathie Tovo and to be accepted by the honoree

Mayor Leffingwell called the Council Meeting back to order at 6:54 p.m.

**PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED**

103. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to modify the primary and secondary setbacks of the Auditorium Shores Subdistrict of the Waterfront Overlay District.  
**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130425-103 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Martinez was absent.**
105. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter F, relating to maximum allowable ceiling height.  
**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130425-105 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent.**
106. Conduct a public hearing and consider an ordinance amending Ordinance No. 20081211-082 and the Regulating Plan, to make "Indoor Entertainment" a conditional use in the TOD Mixed Use zoning category in the Plaza Saltillo TOD.  
**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130425-106 was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Council Member Martinez was absent.**
107. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to readopt the conservation single family residential use.  
**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130425-107 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Martinez was absent.**

**Mayor Leffingwell adjourned the meeting at 7:13 p.m. without objection.**

**The minutes were approved on this the 9th day of May 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**