



AUSTIN CITY COUNCIL  
MINUTES

REGULAR MEETING  
THURSDAY, FEBRUARY 9, 2012

**Invocation:** Pastor Edward Garcia, Emmanuel United Methodist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, February 9, 2012 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

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

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of January 31, 2012, and regular meeting of February 2, 2012.  
**The minutes from the City Council work session of January 31, 2012 and regular meeting of February 2, 2012 were approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
2. Authorize negotiation and execution of a twelve month Interlocal Agreement between the Texas Forest Service, a member of the Texas A&M University System and an agency of the State of Texas, and the City of Austin, Texas to engage in prescribed fire planning and implementation, for the maintenance, enhancement, and protection of wildlife habitat and public and private property, with options for five twelve month extensions. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the negotiation and execution of an interlocal agreement between the Texas Forest Service and the City of Austin was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
3. Authorize negotiation and execution of an amendment to the wholesale wastewater service agreement between the City of Austin and the City of West Lake Hills allowing wholesale wastewater service to be provided to new commercial development located within the City of West Lake Hills without increasing the level of service specified in the agreement.  
**This item was postponed to March 8, 2012 on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
4. Authorize execution of a construction contract with STR CONSTRUCTORS, LTD., Liberty Hill, TX for the Morris Williams Golf Course Pro Shop/Cart Barn in the amount of \$1,986,300 plus a \$99,315 contingency, for a total contract amount not to exceed \$2,085,615.

**The motion authorizing the execution of a construction contract with STR Constructors, LTD. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

5. Authorize negotiation and execution of a design and commission agreement with Erin Curtis (Austin, TX), in an amount not to exceed \$130,000, for artwork for the 3rd Street Streetscape Enhancement Project in downtown Austin.

**The motion authorizing the negotiation and execution of a design and commission agreement with Erin Curtis was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

6. Authorize negotiation and execution of a design and commission agreement with Animalis Works LLC (Austin, TX), in an amount not to exceed \$85,000, for artwork for the Colorado Street Streetscape Enhancement Project in downtown Austin.

**The motion authorizing the negotiation and execution of a design and commission agreement with Animalis Works LLC was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

7. Authorize negotiation and execution of a design and commission agreement with Thoughtbarn LLC (Austin, TX), in an amount not to exceed \$120,000, for artwork for the City of Austin/YMCA North Austin Community Recreation Center at 1000 W. Rundberg Lane.

**The motion authorizing the negotiation and execution of a design and commission agreement with Thoughtbarn LLC was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

**Item 8 was pulled to be heard after staff presentation.**

9. Authorize negotiation and execution of amendments to contracts with the following four providers of services to people with AIDS, to provide additional funding and extend contract terms through September 30, 2012: AIDS SERVICES OF AUSTIN, INC. in an amount not to exceed \$136,270, for a total contract amount not to exceed \$879,401; AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER C.A.R.E. Program, in an amount not to exceed \$31,309 for a total contract amount not to exceed \$204,759; PROJECT TRANSITIONS, INC., in an amount not to exceed \$51,245, for a total contract amount not to exceed \$359,012, and THE WRIGHT WELLNESS CENTER, in an amount not to exceed \$71,611, for a total contract amount not to exceed \$457,201.

**The motion authorizing the negotiation and execution of amendments to contracts with AIDS Services of Austin, Inc.; Austin Travis County Mental Health Mental Retardation Center C.A.R.E. Program; Project Transitions, Inc.; and The Wright Wellness Center was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

10. Authorize negotiation and execution of an amendment to a legal services agreement with the law firm of Lloyd Gosselink Rochelle & Townsend, P.C., for legal services regarding the implementation of revised electric rates and any related proceedings before the Public Utility Commission of Texas, in an amount not to exceed \$1,200,000, for a total contract amount not to exceed \$1,450,000.

**The motion authorizing the negotiation and execution of an amendment to a legal services agreement with the law firm of Lloyd Gosselink Rochelle & Townsend, P.C. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

11. Authorize the negotiation and execution of all documents and instruments necessary or desirable to purchase 1,140 square feet of land for a storm sewer easement; 9,378 square feet of land for an access easement; and 3,805 square feet of land for a temporary work space, staging area and material storage site easement, all being out of Lot A, Retreat Addition, a subdivision of record in Book 63 Page 65 Plat Records, Travis County, Texas, locally known as 130 Cumberland Road, Austin, Travis County, Texas,

for the East Bouldin - Euclid - Wilson Storm Drain Improvements Project, from SOUTH AUSTIN OAKS, L.L.C., A TEXAS LIMITED LIABILITY COMPANY, in an amount not to exceed \$208,816.

**The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase land for a storm sewer easement; land for an access easement; and land for a temporary work space, staging area and material storage site easement from South Austin Oaks, L.L.C., was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

12. Approve an Ordinance amending the Fiscal Year 2011-2012 Parks and Recreation Department Capital Budget (Ordinance No. 20110912-006) to appropriate \$2,360,000 for the construction of a multipurpose structure at Colony Park next to the Turner Roberts Recreation Center. Related to Item #13.  
**Ordinance No. 20120209-012 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
13. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Certificates of Obligation in the amount of \$2,360,000 for the construction of a multipurpose structure at Colony Park next to the Turner Roberts Recreation Center. Related to Item #12.  
**Resolution No. 20120209-013 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
14. Authorize negotiation and execution of an Interlocal Agreement between the City of Austin, Hays County, the Hays County District Attorney's Office, and the City of San Marcos in the amount of \$24,388.25 per quarter, for reimbursement funding of a seventh fulltime forensic chemist position that performs drug analysis at the Austin Police Department Forensic Science Division Laboratory, for an initial term ending September 30, 2012, with up to four annual renewal periods.  
**The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin, Hays County, the Hays County District Attorney's Office and the City of San Marcos was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
15. Authorize award and execution of a 12-month requirements supply agreement with ALTIVIA CORPORATION, for sodium hypochlorite for the Austin Water Utility to be used at the South Austin Regional Wastewater Treatment Plant to disinfect wastewater, in an amount not to exceed \$819,827 with one 12-month extension option in an amount not to exceed \$819,827, for a total contract amount not to exceed \$1,639,654. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a requirements supply agreement with Altivia Corporation was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
16. Authorize award and execution of a 36-month requirements supply contract with WENZEL WENZEL & ASSOCIATES, INC., for the purchase of traffic cones for the Austin Water Utility to be used to direct the public around work sites, in an estimated amount not to exceed \$139,020 with three 12-month extension options in an estimated amount not to exceed \$46,340 per extension option, for a total estimated contract amount not to exceed \$278,040. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a requirements supply contract with Wenzel Wenzel & Associates, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
17. Authorize award and execution of two 24-month requirement supply contracts with ACT PIPE & SUPPLY in an amount not to exceed \$124,184, with two 12-month extension options in an amount not to exceed \$62,092 per extension option, for a total contract amount not to exceed \$248,368; and with HD SUPPLY WATER WORKS in an amount not to exceed \$351,314, with two 12-month extension options in an amount not to exceed \$175,657 per extension option, for a total contract amount not to exceed

\$702,628, for ductile iron fittings for the Austin Water Utility to be used in water services installation and repair. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award and execution of two requirement supply contracts with Act Pipe & Supply and HD Supply Water Works was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

18. Authorize award and execution of Amendment No. 4 to add the final year of funding to a lease agreement through the Texas Cooperative Purchasing Network (TCPN) with XEROX CORPORATION, for the lease of copiers for the Austin Water Utility Department in an estimated amount not to exceed \$60,490, for a total revised contract amount not to exceed \$207,932. Recommended by the Water and Wastewater Commission.

**The motion authorizing the award and execution of amendment number four to a lease agreement through the Texas Cooperative Purchasing Network (TCPN) with Xerox Corporation was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

19. Authorize award and execution of a 60-month service contract with RUSSELECTRIC, for preventative and corrective maintenance of the main switchgear and related breakers for Austin Energy at the Combined Transportation, Emergency and Communications Center for a total estimated contract amount not to exceed \$150,078. Russelectric is the sole source provider for this equipment.

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

20. Authorize award and execution of a 36-month requirements service contract with LASER TECHNOLOGY, INC., to provide repair services for Laser Technology equipment used by the Austin Police Department in an estimated amount not to exceed \$60,000, with three 12-month extension options in an amount not to exceed \$20,000 per option, for a total estimated contract amount not to exceed \$120,000.

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

21. Authorize award and execution of a 10-month requirements supply and service agreement with the following cooperative purchasing programs: TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (BUYBOARD), U. S. COMMUNITIES GOVERNMENT PURCHASING ALLIANCE, and TEXAS MULTIPLE AWARD SCHEDULE (TXMAS), for the purchase and installation of furniture and fixtures for offices and various areas at city-wide locations in an estimated amount not to exceed \$500,000.

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

22. Authorize award and execution of Amendment No. 7 to a revenue contract with LONE STAR RIVERBOAT, INC., for a paddlewheel boating concession on Lady Bird Lake for the Parks and Recreation Department, extending the contract for a period of time not to exceed 12 months and providing estimated revenue of \$28,536, for a revised estimated contract revenue total of \$233,795.

**The motion authorizing the award and execution of amendment number seven to a revenue contract with Lone Star Riverboat, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

23. Authorize award and execution of an Interlocal Agreement with the CITY OF EL PASO, TEXAS to allow each jurisdiction to use each other's contracts for goods and services.  
**The motion authorizing the award and execution of an interlocal agreement with the City of El Paso, Texas was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

24. Authorize award and execution of a 15-month contract with TELVENT USA CORPORATION, for maintenance and support for Telvent VIP software for Austin Water Utility's water distribution Supervisory Control and Data Acquisitions (SCADA) system, used to monitor and control process equipment that distributes and regulates the potable water supply, for a total amount not to exceed \$66,623. Recommended by the Water and Wastewater Commission.  
**The motion authorizing the award and execution of a contract with Telvent USA Corporation was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

**Item 25 was pulled for discussion.**

26. Authorize award and execution of a supply contract with NATIONAL ELECTRICAL SYSTEMS, INC., for the purchase of potential transformers for Austin Energy to be installed at various substations in an amount not-to-exceed \$200,640.  
**The motion authorizing the award and execution of a supply contract with National Electrical Systems, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

27. Authorize award, negotiation, and execution of a 36-month revenue contract with AUS-TEX TOWING & RECOVERY, LLC, or one of the other qualified offerors to RFP No. EAG0103 for impound and wrecker services for the Municipal Court for an estimated net revenue of \$30,000, with three 12-month extension options with estimated revenue of \$10,000 per extension option, for a total estimated contract revenue of \$60,000.  
**The motion authorizing the award, negotiation and execution of a revenue contract with Aus-Tex Towing & Recovery, LLC was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

28. Authorize award, negotiation, and execution of a contract with SAIC ENERGY, ENVIRONMENTAL & INFRASTRUCTURE, LLC, Hendersonville, TN, KEMA, INC., and GOOD COMPANY ASSOCIATES, INC., or one of the other qualified offerors to RFP No. TVN0018, to provide electric vehicle infrastructure consulting services for Austin Energy in an amount not to exceed \$305,000 each and combined.  
**The motion authorizing the award, negotiation and execution of a contract with SAIC Energy, Environmental & Infrastructure, LLC, KEMA, Inc. and Good Company Associates, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

**Items 29 through 33 were pulled for discussion.**

34. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.  
**The following appointments were approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

**Board/Nominee**

**Nominated by**

Austin Airport Advisory Commission

Rose Marie Klee

Mayor Pro Tem Cole

Library Commission

Patricia Dabbert

Mayor Pro Tem Cole

- 35. Approve an ordinance waiving certain fees for the Marathon Kids Austin Final Mile 2012 event which is to be held on Saturday, February 25, 2012 at Tony Burger Stadium. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Kathie Tovo CO 2: Council Member Chris Rile )  
**Ordinance No. 20120209-035 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
- 36. Approve an ordinance waiving certain fees and requirements for the Volma Overton Family Fun Day event sponsored by the Volma Overton Parent Teacher Association which is to be held on Saturday, May 12, 2012 at Doris Miller Auditorium. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)  
**Ordinance No. 20120209-036 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
- 37. Approve an ordinance waiving certain fees for the Capital Area Food Bank Proposed Warehouse and waiving the requirement to provide fiscal surety for erosion and sedimentation controls. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member William Spelman CO 2: Council Member Mike Martinez)  
**Ordinance No. 20120209-037 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
- 38. Set a public hearing to consider an ordinance amending the electric rate schedule in Ordinance No. 20110912-007 to implement new Austin Energy electric rates. (Suggested date and time: March 1, 2012, 6:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for March 1, 2012 at 6:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

Items 39 and 40 were briefing items set for 10:30 a.m.

Items 41 through 44 were Executive Session items.

Items 45 through 57 were zoning items set for 2:00 p.m.

Item 58 was Austin Housing Finance Corporation set for 3:00 p.m.

Items 59 and 60 were public hearing items set for 4:00 p.m.

Item 61 was a public hearing item set for 6:00 p.m.

**DISCUSSION ITEMS**

- 31. Authorize negotiation and execution of an Interlocal Cooperation Agreement between the Capital Metropolitan Transportation Authority (CMTA) and the City of Austin to fund additional rail service to include Friday evenings and Saturdays along the MetroRail Red Line route within the City of Austin in an amount not to exceed \$2,200,000 in any one year, to be reimbursed to the City through Capital Metro funds paid the City under the Quarter Cent Program.  
**The motion authorizing the negotiation only of an interlocal cooperation agreement between the Capital Metropolitan Transportation Authority (CMTA) and the City of Austin was approved with**

**the following amendment and direction on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 7-0 vote. The amendment was to include negotiation parameters for as late as 2:00 a.m. on Friday and Saturday. Direction was given to staff to take this item to the Audit and Finance Committee on February 22, 2012 and return to the Council for execution at the March 1, 2012 meeting.**

8. Authorize negotiation and execution of an amendment of the design commission contract with Nader Tehrani, NADAA Inc. for \$50,465 to address changes to the scope for lighting design and engineering requirements, for a total contract amount not to exceed \$194,465 and approve the schematic design for Seaholm Substation Wall Art in Public Places Project prepared by the team led by artist Nader Tehrani, NADAAA Inc., and authorize proceeding with design development services.  
**The motion authorizing the negotiation and execution of an amendment of the design commission contract with Nader Tehrani, NADAA Inc. and proceeding with design development services was approved on Council Member Riley's motion, Council Member Spelman's second on a 7-0 vote.**
25. Authorize award, negotiation, and execution of a 36-month contract through the U. S. General Services Administration Cooperative Purchasing Program with HEALTHCARE TECHNOLOGY SOLUTIONS INTERNATIONAL, for the purchase of QlikView software licenses and maintenance for the Austin Fire Department used for reporting and analysis of data in various systems, in an amount not to exceed \$56,731.  
**The motion authorizing the award, negotiation and execution of a contract through the U.S. General Services Administration Cooperative Purchasing Program with Healthcare Technology Solutions International was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

### BRIEFINGS

39. Briefing on Single use bag ordinance.  
**The presentation was made by Bob Gedert, Director of Austin Resource Recovery.**

**Mayor Leffingwell recessed the Council Meeting at 11:56 a.m.**

**Mayor Leffingwell called the Council Meeting back to order at 12:03 p.m.**

### CITIZEN COMMUNICATIONS: GENERAL

Kourtney de Haas-Update from Austin Rowing Club regarding Waller Creek Boathouse. **Was not present when name was called.**

Carlos León-1) Chem Trail Update 2) TBD.

Linda Greene-"I just want my country back again..." Please stop adding fluoride waste to my water!

Karen J. Bartoletti-Update from Austin Rowing Club regarding Waller Creek Boathouse. **Was not present when name was called.**

Paul Robbins-City Issues. **Was not present when name was called.**

Darcy Bloom-Flouridation Nation.

Rae Nadler-Olenick-Water Fluoridation.

Clay Dafoe-Austin Energy.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:22 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.

41. Discuss legal issues related to Open Government matters (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
42. Discuss legal issues related to Katharine Hardin v. City of Austin, No. 1:11 CV 960 LY; In the United States District Court for the Western District of Texas, Austin Division. (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
43. Discuss legal issues relating to the appeal process for municipality-owned electric utility rates before the Public Utility Commission of Texas (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).
44. Discuss legal issues related to Austin Lifecare, Inc. v City of Austin et al. Cause No. 1:11-CV-875-LY & Roman Catholic Diocese of Austin, et al. v City of Austin et al. Cause NO. 1:11-CV-00876-LY; In the U.S. District Court-Western District of Texas (Austin Division) (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

**This item was withdrawn because it was discussed during the February 7, 2012 Work Session.**

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 3:42 p.m.

### BRIEFINGS CONTINUED

40. Briefing on proposed Southeast Travis County and Pilot Knob Municipal Utility Districts.  
**The presentation was made by Bart Jennings, Manager of Wholesale Service for Austin Water Utility. Direction was given to staff to make the other 50% of the reclaimed water available inside South East Travis County MUD to the residential or commercial units that felt it was valuable to them. Regarding Affordable Housing, staff was directed to provide information verifying that multi-family houses were excluded from the calculation because it is believed that they can meet the affordability requirements and that the price point for townhomes and multifamily units are consistent with the usual affordable housing policies.**

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 4:32 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 4:33 p.m.

### ZONING ITEMS

**Items 50, 51, and 59 were acted on in a combined motion.**

50. C14-2011-0115 - St. John Neighborhood Planning Area Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the St. John Neighborhood Planning Area, generally bounded by U.S. Highway 183 to the north, Cameron Road to the east, U.S. Highway 290 to the south and Middle Fiskville Road to East

Huntland Drive to Twin Crest Drive to East Croslin Street and generally along the lot line to U.S. Highway 183 to the west (Buttermilk Branch Watershed, Fort Branch Watershed, Tannehill Branch Watershed). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area. The proposed zoning changes also implement the land use recommendations of the St. John/Coronado Hills Combined Neighborhood Plan, NP-2011-0029, on 58 tracts of land (273.6 acres). Under the proposed St. John NPCD, the following design tools are proposed to be applied area-wide: front porch setback. The following special use option is proposed to be applied area-wide: small-lot amnesty, cottage lot, urban home, secondary apartment, corner store. Other special use options proposed to be applied on a parcel specific basis include: residential infill and neighborhood urban center. The following affordable housing special use options are proposed to be applied area-wide: single family residence-standard lot (SF-2) district or single family residence (SF-3) district, duplex residential use, secondary apartment special use. Other special use options that could be recommended by Planning Commission and approved by City Council include: neighborhood mixed-use building. The following infill options will be applied to Tracts R, S, T, U and V: residential infill. The following infill options will be applied to Tracts A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P and Q: neighborhood urban center. In addition, mobile food establishment restrictions are proposed area-wide. The City Council may approve a zoning change to any of the following: rural residence (RR) district zoning, single family residence-large lot (SF-1) district zoning, single family residence-standard lot (SF-2) district zoning, family residence (SF-3) district zoning, single family residence-small lot (SF-4A) district zoning, single family residence-condominium site (SF-4B) district zoning, urban family residence (SF-5) district zoning, townhouse & condominium residence (SF-6) district zoning, multi-family residence-limited density (MF-1) district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-medium density (MF-3) district zoning, multi-family residence-moderate-high density (MF-4) district zoning, multi-family residence-high density (MF-5) district zoning, multi-family residence-highest density (MF-6) district zoning, mobile home residence (MH) district zoning, neighborhood office (NO) district zoning, limited office (LO) district zoning, general office (GO) district zoning, community recreation (CR) district zoning, neighborhood commercial (LR) district zoning, community commercial (GR) district zoning, warehouse/limited office (W/LO) district zoning, general commercial services (CS) district zoning, commercial-liquor sales (CS-1) district zoning, commercial highway (CH) district zoning, industrial park (IP) district zoning, limited industrial service (LI) district zoning, major industry (MI) district zoning and public (P) district zoning. A Conditional Overlay (CO), Mixed Use Combining District Overlay (MU), Vertical Mixed Use Building (V), or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. Staff Recommendation: To grant rezonings that implement the land use recommendations of the St. John Neighborhood Plan. Planning Commission Recommendation: To grant rezonings that implement the land use recommendations of the St. John Neighborhood Plan. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Dee Dee Quinnelly, 974-2976; Greg Dutton, 974-3509; Wendy Rhoades, 974-7719.

**This item was postponed to March 1, 2012 at 2:00 p.m. at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.**

51. C14-2011-0116 - Coronado Hills Neighborhood Planning Area Rezonings - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the Coronado Hills Neighborhood Planning Area, generally bounded by U.S. Highway 183 on the north, U.S. Highway 290 on the southeast and Cameron Road on the west (Buttermilk Branch Watershed, Fort Branch Watershed, Little Walnut Creek Watershed). The proposed zoning changes will create a Neighborhood Plan Combining District (NPCD) covering the entire area. The proposed zoning changes also implement the land use recommendations of the St. John/Coronado Hills Combined Neighborhood Plan, NP-2011-0029, on 14 tracts of land (78.8 acres). Under the proposed Coronado Hills NPCD, the following design tools will be applied area-wide: parking placement and impervious cover restrictions, garage placement, and front porch setback. The following special use option is proposed to be applied area-wide: small-lot amnesty. Other special use options proposed to be applied on a parcel specific basis include: residential infill, and neighborhood urban center. The following special use options

will be applied in a subdistrict: cottage lot, and urban home. The subdistrict is generally bounded by Coronado Hills Drive and the lot line (includes TCAD parcel 230586) to the north, U.S. Highway 290 to the south, Creekside Drive to the east, and Cameron Road to the west. Other special use options that could be recommended by Planning Commission and approved by City Council include secondary apartment, corner store, and neighborhood mixed-use building. The following infill options will be applied to Tracts Y, Z, and AA: residential infill. The following infill options will be applied to Tracts W and X: neighborhood urban center. In addition, mobile food establishment restrictions are proposed area-wide. The City Council may approve a zoning change to any of the following: rural residence (RR) district zoning, single family residence-large lot (SF-1) district zoning, single family residence-standard lot (SF-2) district zoning, family residence (SF-3) district zoning, single family residence-small lot (SF-4A) district zoning, single family residence-condominium site (SF-4B) district zoning, urban family residence (SF-5) district zoning, townhouse & condominium residence (SF-6) district zoning, multi-family residence-limited density (MF-1) district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-medium density (MF-3) district zoning, multi-family residence-moderate-high density (MF-4) district zoning, multi-family residence-high density (MF-5) district zoning, multi-family residence-highest density (MF-6) district zoning, mobile home residence (MH) district zoning, neighborhood office (NO) district zoning, limited office (LO) district zoning, general office (GO) district zoning, community recreation (CR) district zoning, neighborhood commercial (LR) district zoning, community commercial (GR) district zoning, warehouse/limited office (W/LO) district zoning, general commercial services (CS) district zoning, commercial-liquor sales (CS-1) district zoning, commercial highway (CH) district zoning, industrial park (IP) district zoning, limited industrial service (LI) district zoning, major industry (MI) district zoning and public (P) district zoning. A Conditional Overlay (CO), Mixed Use Combining District Overlay (MU), Vertical Mixed Use Building (V), or Neighborhood Plan Combining District (NP) may also be added to these zoning base districts. Staff Recommendation: To grant rezonings that implement the land use recommendations of the Coronado Hills Neighborhood Plan. Planning Commission Recommendation: To grant rezonings that implement the land use recommendations of the Coronado Hills Neighborhood Plan. Applicant: City of Austin. Agent: Planning and Development Review Department. City Staff: Dee Dee Quinnelly, 974-2976; Greg Dutton, 974-3509; Wendy Rhoades, 974-7719.

**This item was postponed to March 1, 2012 at 2:00 p.m. at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.**

#### PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

59. NP-2011-0029 - St. John/Coronado Hills Combined Neighborhood Plan - Conduct a public hearing and consider an ordinance amending the Austin Tomorrow Comprehensive Plan by adopting the St. John/Coronado Hills Combined Neighborhood Plan, generally bounded by U.S. Highway 183 on the north, U.S. Highway 290 on the southeast, and Middle Fiskville Road to East Huntland Drive to Twin Crest Drive to East Croslin Street and generally along the lot line to U.S. Highway 183 on the west (Buttermilk Branch Watershed, Fort Branch Watershed, Tannehill Branch Watershed, Little Walnut Creek Watershed). Staff Recommendation: To grant the land use recommendations that implement the St. John/Coronado Hills Combined Neighborhood Plan. Planning Commission Recommendation: To grant the land use recommendations that implement the St. John/Coronado Hills Combined Neighborhood Plan. Applicant and Agent: City of Austin, Planning and Development Review Department. City Staff: Dee Dee Quinnelly, 974-2976; Greg Dutton, 974-3509.

**This item was postponed to March 1, 2012 at 2:00 p.m. at the staff's request on Council Member Morrison's motion, Council Member Martinez' second on a 6-0 vote. Council Member Spelman was off the dais.**

**Mayor Leffingwell recessed the Council Meeting for Live Music and Proclamations at 5:32 p.m.**

#### LIVE MUSIC

Shakey Graves

**PROCLAMATIONS**

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

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

Certificates of Appreciation -- PWB/ATD Employees who contributed to the Coats for Kids Project -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

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

**Mayor Leffingwell called the Council Meeting back to order at 6:37 p.m.**

**PUBLIC HEARINGS AND POSSIBLE ACTION**

- 60. Conduct a public hearing and approve a resolution to consider the permanent use of approximately 2,027 square feet of land for construction, use, maintenance, repair, and replacement of the existing electric transmission lines for the Seaholm District Redevelopment and the new Central Library Project through dedicated parkland known as Town Lake Shoal Beach and the Shoal Creek Greenbelt, in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code.

**The public hearing was conducted and the motion to close the public hearing and adopt Resolution No. 20120209-060 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Spelman was off the dais.**

**DISCUSSION ITEMS CONTINUED**

- 29. Approve first reading of an ordinance amending Ordinance No. 20070517-064 that awarded a taxicab franchise to Lone Star Cab Company to allow 30 additional taxicab permits, and deleting Part 4 of the ordinance relating to taxicab franchise owner requirements.

**There was a main motion made by Council Member Martinez and seconded by Council Member Morrison to approve the ordinance on first reading.**

**There was a substitute motion made by Council Member Riley to deny the ordinance with the following direction. Staff was directed to work with franchise holders, drivers, and other stakeholders to develop a Green Vehicle, Day Lease, and Peak Demand Program. The motion died for lack of a second.**

**There was a substitute motion made by Council Member Riley and seconded by Mayor Pro Tem Cole to approve the ordinance on first reading with the following amendment. The amendment was to grant 19 new permits rather than 30 and to have all 19 permits be for green cabs. There was a friendly amendment made by Mayor Pro Tem Cole to not require the 19 cabs be green. This was not accepted by the maker of the motion. Mayor Pro Tem Cole withdrew her second and the motion died for lack of a second.**

**There was a substitute motion made by Council Member Riley and seconded by Council Member Martinez to approve the ordinance on first reading and have all 30 cabs be green. Council Member Martinez withdrew his second and the motion died for lack of a second.**

**The public hearing was conducted and the main motion to close the public hearing and adopt the ordinance on first reading was approved on Council Member Martinez' motion, Council Member Morrison's second on a 5-1 vote. Council Member Riley voted nay. Council Member Spelman was off the dais. Direction was given to staff to look at a legacy permit program.**

30. Approve first reading of an ordinance amending Ordinance No. 20100527-047 that renewed a taxicab franchise to Austin Cab Company to allow 15 additional taxicab permits.  
**The first reading of the ordinance was approved on Council Member Martinez' motion, Council Member Morrison's second on a 6-1 vote. Council Member Riley voted nay.**
32. Approve an ordinance amending City Code Section 13-2-373 (Taxicab Clean-up Fee) to establish a \$100 taxicab clean-up fee to be added to a trip fare if a taxicab passenger soils the interior of a taxicab with bodily fluids or solids.  
**Ordinance No. 20120209-032 was approved on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote.**
33. Approve an ordinance amending City Code Section 13-2-351 (Number of Passengers), to provide that the maximum number of passengers a driver may transport during a single trip will be limited to the number of seatbelts available in the taxicab.  
**Ordinance No. 20120209-033 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 6-1 vote. Council Member Tovo voted nay.**

#### ZONING (HEARING CLOSED)

45. C14-2011-0055 - Kessler Zoning Change - Approve second and third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12502 Tomanet Trail (Walnut Creek Watershed) from single family residence-large lot (SF-1) district zoning to neighborhood office-mixed use (NO-MU) district zoning. On January 12, 2012, the City Council approved 1st reading of neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning. Vote: 7-0. Owner/Applicant: Illan David Kessler. City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20120209-045 for neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning was approved on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**

#### ZONING CONSENT ITEMS (PUBLIC HEARINGS)

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

46. NPA-2011-0015.02 - 2200 Tillery Street - Conduct a public hearing and approve an ordinance amending Ordinance No. 20021107-Z-11 of the East MLK Combined Neighborhood Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 2200 Tillery Street (Boggy Creek Watershed; Tannehill Branch Watershed) from Mixed Use to Commercial land use. Staff Recommendation: To deny Commercial land use. Planning Commission Recommendation: To be reviewed on February 28, 2012. Owner/Applicant: DCR III Mortgage, Sub 1 LLC (Lance B. Amano). Agent: Richard H. Crank, ASLA). City Staff: Maureen Meredith, 974-2695.  
**This item was postponed on consent to March 8, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**
47. C14-84-361(RCT) - Tillery Street - Conduct a public hearing and approve a restrictive covenant termination for property locally known as 2200 Tillery Street (Boggy Creek Watershed, Tannehill Branch Watershed) to terminate a Restrictive Covenant. Staff Recommendation: To grant the Restrictive

Covenant termination. Planning Commission Recommendation: To be reviewed on February 28, 2012. Owner/Applicant: DCR III Mortgage, Sub I, LLC (Lance B. Amano). Agent: Richard H. Crank. City Staff: Sherri Sirwaitis, 974-3057.

**This item was postponed on consent to March 8, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**

48. C14-2011-0088 - Tillery Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2200 Tillery Street (Boggy Creek Watershed, Tannehill Branch Watershed) from limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning to general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed on February 28, 2012. Owner/Applicant: DCR III Mortgage, Sub I, LLC (Lance B. Amano). Agent: Richard H. Crank. City Staff: Sherri Sirwaitis, 974-3057.
- This item was postponed on consent to March 8, 2012 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**
52. C14-2011-0121 -13825 FM 2769 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13825 FM 2769 Road (Lake Travis Watershed) from development reserve (DR) district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: Linda Carter. Agent: Conley Engineering, Inc. (Carl Conley). City Staff: Sherri Sirwaitis, 974-3057.
- The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120209-052 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**
55. C14-2011-0155 - Harmony Science Academy-Austin - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 930 East Rundberg Lane (Little Walnut Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general office-neighborhood plan (GO-NP) combining district zoning. Staff Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning. Owner/Applicant: Cosmos Foundation, Inc. (Erdal Caglar). Agent: MWM Design Group, Inc. (Frank Del Castillo, Jr.). City Staff: Heather Chaffin, 974-2122.
- The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120209-055 for general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**
56. C14-2011-0161 - 2205 Farmer Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2205 West Farmer Lane (Walnut Creek Watershed) from neighborhood office (NO) district zoning to neighborhood commercial-mixed use (LR-MU) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-

MU-CO) combining district zoning. Owner/Applicant: Cynthia D. Lindsay. Agent: Professional Structural Civil Engineering (PSCE), Inc. (Mirza Tahir Baig). City Staff: Sherri Sirwaitis, 974-3057.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120209-056 for neighborhood commercial-mixed use conditional overlay (LR-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**

57. C14-2011-0124 - 702 San Antonio Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 702 San Antonio Street (Shoal Creek Watershed) from general office-historic landmark (GO-H) combining district zoning to downtown mixed use-historic landmark (DMU-H) combining district zoning. Staff Recommendation: To approve downtown mixed use-historic landmark conditional overlay (DMU-H-CO) combining district zoning. Planning Commission Recommendation: To approve downtown mixed use-historic landmark conditional overlay (DMU-H-CO) combining district zoning. Applicant/Agent: HOU Architects (Thomas Hatch). City Staff: Clark Patterson, 974-7691.
- The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20120209-057 for downtown mixed use-historic landmark conditional overlay (DMU-H-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**

### ZONING DISCUSSION ITEMS

49. NPA-2011-0025.03 - 7401 West U.S. 290 Highway (Oak Hill Heights Commercial) - Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Austin Tomorrow Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 7401 West U.S. 290 Highway (Williamson Creek-Barton Creek Zone) from Office to Commercial land use. Staff Recommendation: To grant Neighborhood Mixed Use land use. Planning Commission Recommendation: To grant Neighborhood Mixed Use land use. Owner/Applicant: Jimmy Nassour. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Maureen Meredith, 974-2695.
- The public hearing was conducted and the motion to close the public hearing and approve the ordinance on all three readings to change the land use designation on the future land use map (FLUM) to Neighborhood Mixed Use land use was made by Council Member Morrison and seconded by Council Member Tovo. This motion failed on a 3-4 vote. Those voting aye were: Council Members Morrison, Riley and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez and Spelman.**

**The public hearing was conducted and the motion to close the public hearing and adopt the ordinance on first reading to change the land use designation on the future land use map (FLUM) to Commercial land use was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 4-3 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez and Spelman. Those voting nay were: Council Members Morrison, Riley and Tovo.**

54. C14-2011-0146- Oak Hill Heights Commercial - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7401 West U.S. Highway 290 (Williamson Creek-Barton Creek Zone) from limited office-neighborhood plan (LO-NP) combining district zoning to community commercial conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. Staff Recommendation: To grant neighborhood commercial conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning. Applicant: Jimmy Nassour. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Stephen Rye, 974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt the ordinance on first reading for community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning was approved on Council Member Spelman's motion, Council Member Cole's second on a 4-3 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez and Spelman. Those voting nay were: Council Members Morrison, Riley and Tovo. Direction was given to staff to come back with a restrictive covenant in the event underground storage tanks associated with a gas station is placed on this site in the future so they would have to adhere to the recharge zone requirements rather than the contributing zone requirements.

53. C14-2011-0140 - Countryside Pump Station - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3010 Honey Tree Lane, Building B (Eanes Creek Watershed) from public (P) district zoning to single family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant single family residence-standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-large lot (SF-1) district zoning. Applicant: City of Austin Water Utility Department (Eric Sermeno). City Staff: Stephen Rye, 974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt the ordinance on first reading for single family residence-large lot (SF-1) district zoning was approved with direction to staff on Council Member Spelman's motion, Council Member Riley's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo. Direction was given to staff to meet with the neighborhood and the Austin Water staff and develop appropriate restrictions.

The motion to waive the rules and allow Council to meet after 10:00 p.m. was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

#### PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED

61. Conduct a public hearing and consider an ordinance amending the electric rate schedule in Ordinance No. 20110912-007 to implement new Austin Energy electric rates.

The public hearing was continued to March 1, 2012 at 6:00 p.m. without objection.

Mayor Leffingwell adjourned the meeting at 1:06 a.m. without objection.

The minutes for the regular meeting of February 9, 2012 were approved on this the 1st day of March 2012 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote