



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, JANUARY 31, 2013**

**Invocation:** Tom Spencer, CEO - Interfaith Action of Central Texas

**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, January 31, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.**

**Mayor Leffingwell called the Council Meeting to order at 10:06 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 15, 2013 and regular meeting of January 17, 2013.  
**The minutes from the City Council work session of January 15, 2013 and regular meeting of January 17, 2013 were approved on consent on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.**
2. Approve issuance of a rebate to Pointserve, Inc. (Mobi) for the installation of an energy efficient technology in an amount not to exceed \$73,165.  
**The motion to approve the issuance of a rebate to Pointserve, Inc. (Mobi) was approved on consent on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.**
3. Approve Service Extension Request No. 3158 for water service to a 1.49 acre tract of land, known as 8647 W. Highway 290, located within the Drinking Water Protection Zone and the City's 2-mile extraterritorial jurisdiction.  
**The motion to approve service extension request number 3158 was approved on consent on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.**
4. Authorize negotiation and execution of professional services agreements with each of the following three staff-recommended firms (or one of the other qualified responders): STANLEY CONSULTANTS, INC., ENERGY ENGINEERING ASSOCIATES, INC., and AFFILIATED ENGINEERS, INC. for Austin Energy's 2013 Engineering Services for Chilled Water Pipes in Plants & Distribution Service Areas Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$1,500,000 divided among the three firms. (Notes: This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation.)

**This item was postponed on consent indefinitely on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

5. Authorize negotiation and execution of an amendment to the professional services agreement with LOCKWOOD, ANDREWS AND NEWNAM, INC., Austin, TX, for additional engineering design phase services for the Spicewood Springs Pump Station Improvements in an amount not to exceed \$88,000, for a total contract amount not to exceed \$1,615,559. (Notes: This contract was awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 15.70% MBE and 50.70% WBE sub-consultant participation to date.)  
**The motion authorizing the negotiation and execution of an amendment to the professional services agreement with Lockwood, Andrews and Newnam, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
6. Authorize execution of a construction contract with MUNIZ CONCRETE & CONTRACTING INC. (MH/DBE- 88.25%), for the North Walnut Creek Bike Trail Project in the amount of \$5,643,325.98 plus a \$282,166.30 contingency, for a total contract amount not to exceed \$5,925,492.28. Related to Item #16. (Notes: This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 88.25% DBE prime participation and 1.82% DBE subcontractor participation.)  
**This item was withdrawn on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
7. Authorize negotiation and execution of a professional services agreement with the following three staff recommended firms ( or one of the other qualified responders): JACOBS ENGINEERING GROUP, INC.; ESPEY CONSULTANTS, INC. dba RPS ESPEY; and BURY + PARTNERS, INC. for engineering services for Austin Energy's 2013 Engineering Services for Chilled Water in the Right-of-Way Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$1,500,000 divided among the three firms. (Notes: This contract will be awarded in compliance with Chapter 2-9B of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subcontractor participation.) Recommended by the Electric Utility Commission  
**The motion authorizing the negotiation and execution of a professional services agreement with Jacobs Engineering Group, Inc.; Espey Consultants, Inc. doing business as RPS Espey; and Bury + Partners, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
8. Authorize negotiation and execution of an amendment to the contract with NADAAA, Inc., a Boston based design firm with lead artist Nader Tehrani for additional design services for the Seaholm Electrical Substation Wall Art in Public Places Project in the Seaholm District, in an amount not to exceed \$107,893 for a total contract amount of \$302,358. Not recommended by the Electric Utility Commission  
**The motion authorizing the negotiation and execution of an amendment to the contract with NADAAA, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

**Item 9 was pulled for discussion.**

10. Authorize negotiation and execution of amendments to contracts with the following four providers of services for people with HIV or AIDS to provide additional funding and extend contract terms through September 30, 2013: Amendment No.7 with AIDS SERVICES OF AUSTIN, INC. in an amount not to exceed \$159,435, for a total contract amount not to exceed \$1,152,718; Amendment No.7 with AUSTIN TRAVIS COUNTY MENTAL HEALTH MENTAL RETARDATION CENTER in an amount not to exceed \$31,309 for a total contract amount not to exceed \$258,432; Amendment No.7 with PROJECT

TRANSITIONS, INC. in an amount not to exceed \$51,245 for a total contract amount not to exceed \$482,449; Amendment No.7 with THE WRIGHT HOUSE WELLNESS CENTER in an amount not to exceed \$48,446 for a total contract amount not to exceed \$540,251.

**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; Project Transitions, Inc.; and The Wright House Wellness Center was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

11. Approve an ordinance authorizing acceptance of \$51,893 in grant funds from the U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, HEALTH RESOURCES AND SERVICES ADMINISTRATION, and amending the Fiscal Year 2012-2013 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$51,893 for the Ryan White Part A HIV Emergency Relief Project and Minority AIDS Initiative Grant Program that provides medical and supportive services to people with the human immunodeficiency virus.  
**Ordinance 20130131-011 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
12. Approve an ordinance authorizing acceptance of \$25,000 in grant funds for the Cities of Service Impact Volunteering Fund Grant from Cities of Service, Inc.; and amending the Fiscal Year 2012-2013 Management Services Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) for the implementation of the Invasive Species Management Plan.  
**Ordinance 20130131-012 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
13. Approve a resolution authorizing the City Manager to submit an application for grant funding in an amount up to \$2.5 million from the United States Department of Housing and Urban Development Lead-Based Paint Hazard Control Program for the City's LeadSmart Program.  
**Resolution 20130131-013 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
14. Approve an ordinance amending the Parks and Recreation Department Capital Budget (Ordinance No. 20120910-002) to transfer \$42,255 from the Fiscal Year 2012-2013 Parks and Recreation Department Special Revenue Fund Operating Budget (Ordinance No. 20120910-001) for restoration of the Swedish Cabin at the Zilker Botanical Gardens.  
**Ordinance 20130131-014 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
15. Approve negotiation and execution of an interlocal agreement with the Austin Independent School District for mentoring services at Metz Elementary School for a term of nine months beginning August 22, 2012, in an amount not to exceed \$100,000; and ratifying payment of \$100,000 for the 2011-2012 program year, for a total contract amount not to exceed \$200,000.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the Austin Independent School District was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
16. Approve an Ordinance amending the Fiscal Year 2012-2013 Parks and Recreation Department Capital Budget (Ordinance No. 20120910-002) to reallocate and appropriate \$1,400,000 from facility renovations to trails; amending the Fiscal Year 2012-2013 Financial Services Department Capital Budget (Ordinance No. 20120910-002) to transfer \$1,198,850 to the Parks and Recreation Department Capital Budget; and amending the Fiscal Year 2012-2013 Parks and Recreation Department Capital Budget (Ordinance No. 20120910-002) to appropriate the \$1,198,850 transfer for the Northern Walnut Creek Trail project. Related to Item #6.

**This item was postponed on consent to February 14, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

**Items 17 and 18 were pulled to be heard after the related Executive Session item.**

19. Approve an ordinance waiving City Code Section 25-2-945 for the limited purpose of allowing the relocation of two noncomplying off-premise signs formerly located at 6712 1/2 N. FM. 620 and 6800 1/2 N. FM 620.  
**Ordinance 20130131-019 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
20. Authorize award, negotiation, and execution of a 24-month requirements service contract with THE JW GROUP, INC., or one of the other qualified offerors to RFP No. BKH0135REBID, to provide information technology master plan services for the Aviation Department in an estimated amount not to exceed \$989,700. (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) by meeting the goals with 5.67% MBE and 2.36% WBE subcontractor participation.) Recommended by the Austin Airport Advisory Commission  
**The motion authorizing the award, negotiation and execution of a requirements service contract with the JW Group, 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 36-month requirements supply contract with HOSELINE, INC., to provide the Fleet Services Department Hoseline components for use in emergency vehicle repairs in an estimated amount not to exceed \$91,000, with three 12-month extension options in an estimated amount not to exceed \$43,200, \$51,840, and \$62,208 respectively, for a total estimated contract amount not to exceed \$248,248. (Notes: This contract will be awarded in compliance with Chapter 2-9D of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)  
**The motion authorizing the award and execution of a requirements supply contract with Hoseline, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
22. Authorize award, negotiation, and execution of a 36-month requirements service contract with BERLITZ LANGUAGES, INC., or the other qualified offeror to RFP No. JSD0129, to provide Language Proficiency Exam Services for the Human Resources Department in an estimated amount of \$112,500, with a 36-month extension option in the amount of \$112,500, for a total estimated contract amount not to exceed \$225,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)  
**The motion authorizing the award, negotiation and execution of a requirements service contract with Berlitz Languages, Inc. was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
23. Authorize recurring payments under the Greater Austin Area Telecommunications Network Agency interlocal agreement for the City of Austin's share of the variable and joint project costs at an anticipated average of \$584,111 annually for the remaining 20 years of the agreement for a total amount not to exceed \$11,682,220. (Notes: This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

**The motion authorizing the recurring payments under the Greater Austin Area Telecommunications Network Agency interlocal agreement was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

24. Authorize the negotiation and execution of Amendment No. 17 to the contract with IBM Corporation for envelopes, paper and other consumables for the City of Austin's utilities billing system, the Customer Care & Billing or CC&B System, in an amount not to exceed \$1,800,000 for a total estimated contract amount not to exceed \$61,039,728. (Notes: This contract was awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 16.18% MBE and 12.70% WBE subcontractor participation to date.) Recommended by the Electric Utility Commission  
**The motion authorizing the negotiation and execution of amendment number seventeen to the contract with IBM Corporation was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
25. Authorize negotiation and execution of an interlocal agreement assigning the City of Buda the responsibility of construction and maintenance of a gateway "Way-Finding" sign on the Texas Department of Transportation right of way of IH-35 South and within the City of Austin limits.  
**The motion authorizing the negotiation and execution of an interlocal agreement was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
26. Authorize the execution of an amendment extending the interlocal agreement with the LONE STAR RAIL DISTRICT until December 31, 2014 and increasing the authorization requested by \$200,000 for a total agreement in an amount not to exceed \$550,000 for Project Connect and other regional rail and mobility efforts.  
**The motion authorizing the execution of an amendment extending the interlocal agreement with the Lone Star Rail District until December 31, 2014 and increasing the authorization requested by \$200,000 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

**Items 27 through 30 were pulled for discussion.**

31. Approve a resolution initiating a code amendment to the Plaza Saltillo TOD District Station Area Plan and Regulating Plan to allow indoor entertainment as a conditional use in the TOD Mixed Use zoning category and directing the City Manager to process the amendment. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo)  
**Resolution 20130131-031 was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

**Item 32 was pulled for discussion.**

33. Approve a resolution directing the City Manager to reallocate all funds originally identified and budgeted for a master planning process of the Capitol Complex and state-owned properties to the weatherization program for low income families. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison)  
**This item was withdrawn on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
34. Approve a resolution authorizing Mayor Lee Leffingwell to execute an amendment to the Capital Area Metropolitan Planning Organization Joint Powers Agreement to allow former members of Caldwell County's Commissioners Court to serve on the Transportation Policy Board. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member William Spelman CO 2: Council Member Chris Riley)

**Resolution 20130131-034 was approved on consent on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.**

- 35. Set a public hearing to consider an ordinance amending Chapter 25-6 of the City Code pertaining to downtown parking requirements. (Suggested date and time: February 28, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin TX).  
**The public hearing was set on consent for February 28, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.**
- 36. Set a public hearing to consider an ordinance amending Chapter 25-2, to make cocktail lounges a conditional use in the Rainey Street subdistrict of the Waterfront Overlay. (Suggested date and time: February 28, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for February 28, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.**
- 37. Set a public hearing to consider an ordinance amending Chapter 25-2 of the City Code to make electronic prototype assembly and electronic testing conditional uses in the downtown mixed use (DMU) base zoning district. (Suggested date and time: February 28, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for February 28, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.**
- 38. Set a public hearing to consider an ordinance amending City Code Chapter 25-2, to allow a property that has as its principal developed use religious assembly, private primary educational facilities, private secondary educational facilities, public primary educational facilities, public secondary educational facilities, or community recreation (public), to apply for a temporary use permit for outdoor assembly. (Suggested date and time: March 21, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for March 21, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.**
- 39. Set a public hearing to consider an ordinance amending City Code Chapter 25 to clarify definitions, standards, and regulations related to bicycle parking. (Suggested date and time: March 21, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for March 21, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Council Member Martinez’ motion, Council Member Spelman’s second on a 7-0 vote.**

Items 42 and 43 were briefing items set for 10:30 a.m.

Items 44 through 47 were Executive Session items

Items 48 through 66 were zoning items set for 2:00 p.m.

Items 67 through 69 were public hearing items set for 4:00 p.m.

**DISCUSSION ITEMS**

- 29. Approve a resolution amending Resolution No. 20121206-074 relating to membership requirements of the Land Development Code advisory group and ensuring diversity of stakeholder perspectives. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Pro Tem Sheryl Cole CO 2: Mayor Lee Leffingwell)

**This item was withdrawn without objection.**

- 27. 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 and waivers were approved on Council Member Spelman’s motion, Mayor Leffingwell’s second on a 7-0 vote.**

**Nominations**

**Board/Nominee**

**Nominated by**

Commission on Immigrant Affairs

Pranav Parekh

Mayor Leffingwell

Housing Authority of the City of Austin

Isaac Robinson

Mayor Leffingwell

Land Development Code Advisory Group

Chris Bradford

Jim Duncan

Will Herring

Jeff Jack

Stephen Oliver

Brian Reis

Mayor Pro Tem Cole

Council Member Morrison

Mayor Leffingwell

Council Member Tovo

Council Member Riley

Council Member Martinez

**Waivers**

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Marla Camp on the Sustainable Food Policy Board. The waiver includes absences through today’s date.

- 9. Authorize negotiation and execution of a professional service agreement between the City of Austin and Troublemaker Studios, L.P. to create a pilot program that will establish a creative industry incubator at Troublemaker Studios to promote the film and digital media industry and authorize funding for the program in the amount of \$200,000 for a one-year term with two extension options.

**The motion authorizing the negotiation and execution of a professional service agreement between the City of Austin and Troublemaker Studios, L.P. was approved on Council Member Tovo’s motion, Council Member Morrison’s second on a 7-0 vote.**

**BRIEFINGS**

- 42. Project Connect Regional Transit Update.

**The presentation was made by Robert Spillar, Director, Austin Transportation Department; Todd Hemingson, Capital Metro; and Joe Black, Lone Star Rail District.**

**EMINENT DOMAIN**

**Items 40 and 41 were taken on a combined motion. This vote applies to all units of property (Items 40 and 41) to be condemned.**

40. Approve a resolution authorizing the filing of eminent domain proceedings for the Austin Clean Water Program: Govalle 4 - Webberville/San Bernard/4th Street Wastewater Improvement Project for a 324 square foot permanent wastewater line easement out of Lot 5 and Lot 4, Sam Huston Heights Annex, a subdivision in the City of Austin, of record in Book 4, Page 3, Plat Records, Travis County, Texas in the amount of \$689. The owner of the needed property interests is KYLE ORDIORNE. The property is located at 3019 East 12th Street, Austin, Travis County, Texas. The general route covered by this completed project included various streets in central east Austin, including Webberville Road, San Bernard Street and 4th Street.

**Resolution No. 20120131-040 was approved on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 5-0 vote. Council Members Martinez and Riley were off the dais.**

41. Approve a resolution authorizing the filing of eminent domain proceedings for the North Acres Final Conveyance Project for 445 square feet of land for a permanent wastewater line easement out of the J. Applegait Survey No. 58, Abstract No. 29, Travis County, Texas, being a portion of Lot 12, Block G, North Acres Section Four, a subdivision of record in Volume 46, Page 95 of the Plat Records of Travis County, Texas, conveyed to the Fragosa Family Trust, Antonio Fragosa and Leonila G. Fragosa, Trustees, in Volume 12655, Page 709 of the Real Property Records of Travis County, Texas in the amount of \$470. The owners of the needed property interests are THE SUCCESSOR TRUSTEE(S) OF THE FRAGOSA FAMILY TRUST, DATED MARCH 25, 1996. The property is located at 10623 Denell Circle, in Austin, Travis County, Texas 78753. The general route covered by this project is along Polecat Creek, west of Dessau Road.

**Resolution No. 20120131-041 was approved on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 5-0 vote. Council Members Martinez and Riley were off the dais.**

**CITIZEN COMMUNICATIONS: GENERAL**

Joseph Iley - Taxi cab issues

Dave Scott - Environmental education

Paul Saldana - Hispanic Quality of Life Initiative

Clay Dafoe - JFK assassination revealed

Alicia Perez-Hodge - Hispanic Quality of Life

Tom Jones - The role of government

Ronnie Reefersseed - Peace, freedom and the kill-grid

Rae Nadler-Olenick - The Buck Stops Here: CDC Oral Health Chief In the Hot Seat - Part 1

Walter Olenick - The Buck Stops Here

Paul Robbins - City issues

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:47 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.

**The Mayor announced that Council would discuss items number 17, 18 and 28 on the regular agenda during Executive Session.**

44. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071).
45. Discuss legal issues related to November 6, 2012 election (Private consultation with legal counsel - Section 551.071).  
**This item was withdrawn.**
46. Discuss legal issues related to City of Austin 2013 labor negotiations with employees in the Fire, Police, and EMS departments (Private consultation with legal counsel-Section 551.071)
47. Discuss legal issues related to PUCT Docket No. 40627, Petition by Homeowners United for Rate Fairness to Review City of Austin Rate Ordinance No. 20120607-055 (Private consultation with legal counsel - Section 551.071).  
**This item was withdrawn.**

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 3:23 p.m.**

### **ZONING CONSENT ITEMS**

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

48. 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 on consent to March 7, 2013 at the applicant's request on Council Member Tovo's motion, Council Member Spelman's second on a 7-0 vote.**
50. C14-2012-0070 - Drink. Well. Rezone - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 207 East 53rd Street (Waller Creek Watershed) from neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning to community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. First reading approved on September 27, 2012. Vote 6-0. Mayor Pro Tem Cole was off the dais. Second reading approved on December 6, 2012. Vote 7-0. Applicant: M & J Properties, L.L.C. (Michael Sanders). Agent: Vasquez Ventures, L.L.C. (Rick Vasquez). City Staff: Clark Patterson, 974-7691.  
**This item was postponed to February 14, 2013 on consent on Council Member Tovo's motion, Council Member Spelman's second on a 7-0 vote.**
53. 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 on consent to March 7, 2013 at the applicant's request on Council Member Tovo's motion, Council Member Spelman's second on a 7-0 vote.**

54. C14-74-145(RCT) - 500 South Third - Conduct a public hearing to terminate a restrictive covenant on property locally known as 500 South 3rd Street (Town Lake Watershed). Staff Recommendation: To grant the restrictive covenant termination. Planning Commission Recommendation: To grant the restrictive covenant termination. Owner: Michael G. Martin. Applicant: Vaughn & Associates (Rick Vaughn). City Staff: Lee Heckman, 974-7604.  
**The public hearing was conducted and the motion to close the public hearing and terminate the restrictive covenant was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 7-0 vote.**
55. C14-2012-0151 - Lot 7, 81 William Cannon Joint Venture Subdivision - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2112 East William Cannon Drive (Williamson Creek Watershed) from neighborhood commercial (LR) district zoning to multi-family residence-medium density (MF-3) district zoning. Staff Recommendation: To grant multi-family residence-medium density (MF-3) district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density (MF-3) district zoning. Owner/Applicant: East William Cannon 2007, LTD (William Hale). Agent: CSF Civil Group, LLC (Charles E. Steinman). City Staff: Wendy Rhoades, 974-7719.  
**The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance for multi-family residence-medium density (MF-3) district zoning was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 7-0 vote.**
62. C14-2012-0060 - 8401 South 1st Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8401 South 1st Street (South Boggy Creek Watershed) from development reserve (DR) district zoning and single family residence-standard lot (SF-2) district zoning to community commercial-mixed use (GR-MU) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 1 and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 1 and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2. Owner/Applicant: PV First Street Investors LLC (Joe Simmons). Agent: Aquila Commercial (Jim Gallegos). City Staff: Wendy Rhoades, 974-7719.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130131-062 for neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning for Tract 1 and townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning for Tract 2 was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 7-0 vote.**
66. C14H-2012-0005 - Webb-Shaw Building (East Half) - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 214 E. 6th Street (Lady Bird Lake Watershed) from Central Business District (CBD) zoning to Central Business District-Historic Landmark (CBD-H) combining district zoning. Staff Recommendation: To grant Central Business District-Historic Landmark (CBD-H) combining district zoning. Historic Landmark Commission Recommendation: To grant Central Business District-Historic Landmark (CBD-H) combining district zoning. Planning Commission Recommendation: To grant Central Business District-Historic Landmark (CBD-H) combining district zoning. Applicant: Doug Guller. City Staff: Steve Sadowsky, 974-6454.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130131-066 for Central Business District-Historic Landmark (CBD-H) combining district zoning was approved on consent on Council Member Tovo's motion, Council Member Spelman's second on a 7-0 vote.

### **BRIEFINGS CONTINUED**

43. Briefing on Concepts for Rainey Street Improvements.  
**The presentation was made by Howard Lazarus, Director of Public Works Department and Gary Schatz, Assistant Director, Austin Transportation Department.**  
**Direction was given to staff as follows:**  
**Council Member Riley directed staff to present the rain garden or some type of green feature idea for the Mexican American Cultural Center (MACC) to the Bicycle Advisory Council to get their input prior to implimenting.**  
**Council Member Spelman directed staff to request that the Texas Department of Transportation vacate ownership of East Avenue and return it to the City of Austin to get more parking spaces.**

### **DISCUSSION ITEMS CONTINUED**

30. Approve a resolution directing the City Manager to coordinate with Travis County and Austin Community College District and prepare a report for Council within 45 days on the proposed Lone Star rail service and interlocal agreement. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)  
**Resolution 20130131-030 with the following amendment was approved on Council Member Riley's motion, Mayor Pro Tem Cole's second on a 7-0 vote. The amendment was to have the "Be it Resolved" paragraph read, "BE IT FURTHER RESOLVED: The City Manager will, in accordance with approved City TIF policy and in the timeframe described above, coordinate the development of the report and drafting of the LSTAR service interlocal agreement with Travis County, Austin Community College District, and Capital Metropolitan Transportation Authority."**
32. Approve a resolution directing the City Manager to develop recommendations relating to a Tax Increment Financing Policy that ensures consistent consideration of proposals, transparency and accountability, as well as the financial viability and efficiency of such arrangements and report the recommendations to Council by May 15, 2013. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez)  
**Resolution 20130131-032 was approved with the following amendment on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote. The amendment was to add a new "Whereas" paragraph to read, "WHEREAS, every TIF district consideration should include an assessment of the potential for benefited private property owner participation in funding, including through a special district such as a public improvement district or municipal management district.**
17. Approve an ordinance regarding a Managed Growth Agreement with Pearson Place at Avery Ranch, LTD, for the 196 acre tract located at Avery Ranch Blvd. and Double Eagle Pass known as the Pearson Place Preliminary Plan, C8J-2008-0056(XT).MGA.  
**Ordinance 20130131-017 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**
18. Approve an ordinance regarding a Managed Growth Agreement with Shady Hollow Garden Townhomes, for the 34.94 acre tract located at 2601and 2645 Frate Barker Road known as the Shady Hollow Garden Townhomes site plan SP-2008-0061C(XT2).MGA.  
**This item was postponed to February 14, 2013 on Council Member Spelman's motion, Council Member Tovo's second on a 6-1 vote. Mayor Leffingwell voted nay.**

28. Approve an ordinance creating a pilot program to authorize walking and biking in certain trails on a 24-hour basis for the 2013 calendar year and waiving City Code Section 8-1-14 regarding park curfews for the limited purpose of walking or biking during the pilot program period. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Kathie Tovo)

**Ordinance 20130131-028 was approved with the following direction and friendly amendments on Council Member Riley's motion, Council Member Martinez' second on a 6-1 vote. Mayor Leffingwell voted nay.**

**Direction was given as follows:**

**Council Member Riley directed staff to set the effective date as June 1, 2013 and for the Parks Department to provide periodic updates to the Public Safety Commission regarding safety concerns.**

**Council Member Martinez directed staff to contain any necessary increase in patrols within the existing budget of the Police Department if reviews brought before the Public Safety Commission deem enhanced safety measures.**

**Council Member Spelman directed staff to conduct a threat assessment on the trails to identify additional safety improvement requirements and an analysis of why two squads are needed rather than a smaller number of police officers to patrol the areas.**

**Mayor Pro Tem Cole directed staff to conduct an analysis regarding cost for the hours of 10:00 p.m. to 2:00 a.m. rather than a 24 hour period and a traffic analysis regarding the Ann and Roy Butler Hike and Bike trail as opposed to the Shoal Creek and Johnson Greenbelt trails.**

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

**The friendly amendment from Council Member Tovo was to include language in the ordinance that says "contingent upon Council allocating funding to the program".**

**The friendly amendment from Council Member Morrison was to have part II of the ordinance read, "The ordinance creates a pilot program allowing walking or biking for transportation purposes on a basis of up to 24 hours per day for the 2013 calendar year on any or all of the following multi use trails:" with the direction that it is a decision that the Council will be making.**

**Items 52, 63 and 68 were acted on in a combined motion**

### **ZONING DISCUSSION ITEMS CONTINUED**

52. C14-2012-0114 - Monaco II - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2440 Wickersham Lane (Country Club East Creek Watershed) from mutli-family residence-low density (MF-2) district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning with conditions. First Reading approved on January 17, 2013. Vote 6-0, Mayor Leffingwell was absent. Owner: PDQ Austin Overlook, Inc. (T. Mark Knutsen). Applicant: Vaughn & Associates (Rick Vaughn). City Staff: Lee Heckman, 974-7604.

**This item was postponed to February 14, 2013 at PODER's request on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

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

combining district-neighborhood plan (CS-1-NCCD-NP) combining district zoning, with conditions. Owner/Applicant: 1123 Partners (Mark Vornberg). City Staff: Heather Chaffin, 974-2122.

**This item was postponed on consent to February 14, 2013 at the staff’s request on Council Member Morrison’s motion, Council Member Spelman’s second on a 7-0 vote.**

**PUBLIC HEARINGS AND POSSIBLE ACTION**

- 68. Conduct a public hearing and consider an ordinance adopting the seventh plan modification to the East 11th and 12th Streets Urban Renewal Plan.  
**This item was postponed to February 14, 2013 on Council Member Morrison’s motion, Council Member Spelman’s second on a 7-0 vote.**

**Mayor Leffingwell recessed the Council Meeting for Live Music and Proclamation at 5:35 p.m.**

**LIVE MUSIC**

What Made Milwaukee Famous

**PROCLAMATIONS**

Certificates of Congratulations - Small Business Development Program Business Success Class Graduates -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Proclamation -- American Society of Civil Engineers Centennial -- to be presented by Mayor Lee Leffingwell and to be accepted by Travis Michel, PE

Proclamation -- 2012 Neighborhood Habitat Challenge Winners -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

**Mayor Leffingwell called the Council Meeting back to order at 6:50 p.m.**

**ZONING DISCUSSION ITEMS CONTINUED**

- 49. C14-2012-0032 - Del Curto Homes - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2905 Del Curto Road and 1814 Lightsey Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions. First Reading approved on December 6, 2012. Vote: 7-0. Owner/Applicant: PSW Lightsey, LP (J. Ryan Diepenbrock). City Staff: Heather Chaffin, 974-2122. A valid petition has been filed in opposition to this rezoning request.  
**The second reading of the ordinance for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions was approved on Council Member Martinez’ motion, Council Member Riley’s second on a 5-0 vote with Mayor Pro Tem Cole and Council Member Spelman off the dais.**
- 51. C14-2012-0097 - Little Woodrow's Bar & Restaurant - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5425 Burnet Road (Waller Creek Watershed) from general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning to commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. First reading approved on December 13, 2012. Vote 4-2, Council Members Morrison and Tovo voted nay. Council Member Martinez was off the dais. Applicant: Rick Engel. Agent: Alice Glasco Consulting, Inc. (Alice Glasco). City Staff: Clark Patterson, 974-7691.

**The second reading of the ordinance for commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning was approved on Council Member Spelman's motion, Council Member Riley's second on a 4-3 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Martinez, Morrison and Tovo.**

61. C14-2011-0065 - The Austin Hotel - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 and 804 Congress Avenue (Town Lake Watershed) from central business district (CBD) and central business district-historic landmark (CBD-H) combining district zoning to central business district-central urban redevelopment district (CBD-CURE) and central business district-historic landmark-central urban redevelopment district (CBD-H-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment district (CBD-CURE) combining district zoning and central business district-historic landmark-central urban redevelopment district (CBD-H-CURE) combining district zoning. Planning Commission Recommendation: To deny central business district-central urban redevelopment district (CBD-CURE) combining district zoning and central business district-historic landmark-central urban redevelopment district (CBD-H-CURE) combining district zoning. Applicant: Gone to Texas Capital One, L.P. (David Kahn), The Karotkin Family Real Estate Trust (Doris Karotkin, Trustee). City Staff: Clark Patterson, 974-7691. A valid petition has been submitted in opposition to this rezoning request.

**The public hearing was conducted and the motion to close the public hearing and deny the rezoning request was approved on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

65. C814-2012-0055 - Covered Bridge 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 6714 Covered Bridge Drive (Williamson Creek Watershed-Barton Springs Zone) from community commercial- neighborhood plan (GR-NP) combining district zoning, community commercial-conditional overlay- neighborhood plan (GR-CO-NP) combining district zoning, multi-family residence (limited density)-neighborhood plan (MF-1-NP) combining district zoning, townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning, and rural residence-neighborhood plan (RR-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. The land in the PUD is within the area known as the Barton Springs Zone in which the City's Save Our Springs (SOS) ordinance applies. PUD zoning may modify City ordinances applicable to development of the land. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant planned unit development- neighborhood plan (PUD-NP) combining district zoning, with conditions. Owner/Applicant: PPF AMLI Covered Bridge Drive, LLC; CBAL Whitecroe LLC; Covered Bridge Section 8, LLC. Agent: Thrower Design (Ron Thrower). City Staff: Heather Chaffin, 974-2122.

**The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance for planned unit development-neighborhood plan (PUD-NP) combining district zoning, with conditions was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

64. C14-85-288.45(RCA2) - Covered Bridge Planned Unit Development - Conduct a public hearing and approve a restrictive covenant amendment for property locally known as 6714 Covered Bridge Drive (Williamson Creek Watershed-Barton Springs Zone) to amend a portion of the Restrictive Covenant to remove 32.025 acres out of the 194.74 Restrictive Covenant. Staff Recommendation: To grant an amendment to amend a portion of the Restrictive Covenant to remove 32.025 acres out of the 194.74 Restrictive Covenant. The land in the PUD is within the area known as the Barton Springs Zone in which the City's Save Our Springs (SOS) ordinance applies. PUD zoning may modify City ordinances applicable to development of the land. Planning Commission Recommendation: To grant an amendment

to amend a portion of the Restrictive Covenant to remove 32.025 acres out of the 194.74 Restrictive Covenant. Owner/Applicant: PPF AMLI Covered Bridge Drive, LLC; CBAL Whitecrowe LLC; Covered Bridge Section 8, LLC. Agent: Thrower Design (Ron Thrower). City Staff: Heather Chaffin, 974-2122..

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

56. NPA-2012-0019.01 - West 34th Street Redevelopment - Conduct a public hearing and approve an ordinance amending Ordinance No. 040826-056, the Central Austin Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 3206 West Avenue, 3205 and 3207 Grandview Street (Shoal Creek Watershed; Waller Creek Watershed) from Single Family land use to Mixed Use/Office land use. Staff Recommendation: To grant Mixed Use/Office land use. Planning Commission Recommendation: To grant Mixed Use/Office land use. Owner/Applicant: B & G Partners, L.P. (Richard D. Stilovich). Agent: Armbrust & Brown, PLLC (Amanda Morrow) and McCann Adams Studios (Jana McCann). City Staff: Maureen Meredith, 974-2695.  
**This item was withdrawn without objection.**
57. C14-2011-0131 - West 34th St. Redevelopment, Tract "A" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 and 808 West 34th Street (Shoal Creek Watershed; Waller Creek Watershed) from limited office-neighborhood plan (LO-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, with conditions. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.  
**This item was withdrawn without objection.**
58. C14-2011-0132 - West 34th St. Redevelopment, Tract "B" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3316 Grandview Street (Shoal Creek Watershed; Waller Creek Watershed) from limited office-neighborhood plan (LO-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, with conditions. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.  
**This item was withdrawn without objection.**
59. C14-2011-0133 - West 34th St. Redevelopment, Tract "C" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 West 34th Street, 3205 and 3207 Grandview Street, and 3206 West Avenue (Shoal Creek Watershed; Waller Creek Watershed) from limited office-neighborhood plan (LO-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, with conditions. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.  
**This item was withdrawn without objection.**
60. C14-2011-0134 - West 34th St. Redevelopment, Tract "D" - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 715

West 34th Street (Shoal Creek Watershed; Waller Creek Watershed) from limited office-neighborhood plan (LO-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, with conditions. Planning Commission Recommendation: To grant general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, with conditions. Applicant: REIT Management & Research, L.L.C. (Richard Stilovich). Agent: McCann Adams Studio (Jana McCann). City Staff: Clark Patterson, 974-7691.

**This item was withdrawn without objection.**

**PUBLIC HEARINGS AND POSSIBLE ACTION CONTINUED**

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

**This item was postponed to February 28, 2013 on Council Member Morrison’s motion, Council Member Marinez’ second on a 7-0 vote.**

- 69. Conduct a public hearing and consider an ordinance authorizing floodplain variances requested by the owners of a single family residence at 8412 Millway Drive located in the 25-year and 100-year floodplains of Shoal Creek, to convert a portion of the existing garage into a living area.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130131-069 was approved on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.**

**Mayor Leffingwell adjourned the meeting at 8:40 p.m. without objection.**

**The minutes were approved on this the 14th day of February 2013 on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.**