

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, MARCH 7, 2013**

**Invocation:** Rev. Peder Sandager, Pastor, St. Martin's Evangelical Lutheran 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, March 7, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.**

**Mayor Leffingwell called the Council Meeting to order at 10:03 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 February 26, 2013, regular meeting of February 28, 2013 and special called meeting of March 1, 2013.  
**The minutes from the City Council work session of February 26, 2013, regular meeting of February 28, 2013 and special called meeting of March 1, 2013 were approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
2. Approve issuance of a rebate to SCI Austin Lights Forest Fund LLC for performing duct diagnostics and improvements at the Austin City Lights Apartments located at 501 E. Stassney Lane, Austin, Texas, in an amount not to exceed \$98,123.  
**The motion to approve the issuance of a rebate to SCI Austin Lights Forest Fund LLC was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
3. Approve issuance of a rebate to Hudson Asset Holdings LP for performing duct diagnostics and improvements at the Hudson Miramont Apartments located at 8818 Travis Hills Dr., Austin, Texas, in an amount not to exceed \$99,374.  
**The motion to approve the issuance of a rebate to Hudson Asset Holdings LP was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
4. Approve issuance of a rebate to Principal Global Investors LLC for performing duct diagnostics and improvements at the Toscana Apartments located at 13355 US Hwy. 183 North, Austin, Texas, in an amount not to exceed \$121,599.  
**The motion to approve the issuance of a rebate to Principal Global Investors LLC was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Item 5 was pulled for discussion.**

6. Authorize negotiation and execution of an agreement with the Capitol Area Council, Boy Scouts of America to provide a performance-based incentive for the generation of solar energy at its facility located at 12500 North IH-35 in Austin, Texas, for an estimated \$16,074 per year, for a total amount not to exceed \$160,740 over a 10-year period.  
**The motion authorizing the negotiation and execution of an agreement with the Capitol Area Council, Boy Scouts of America was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
7. Authorize negotiation and execution of an agreement with Coeus BE Austin, LP, to provide a performance-based incentive for the generation of solar energy at three facilities located on Royal Crest Drive in Austin, Texas, for an estimated \$12,194 per year, for a total amount not to exceed \$121,940 over a 10-year period.  
**The motion authorizing the negotiation and execution of an agreement with Coeus BE Austin, LP was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
8. Authorize negotiation and execution of an agreement with Phoebe Austin, LP, to provide a performance-based incentive for the generation of solar energy at two facilities located on Royal Crest Drive in Austin, Texas, for an estimated \$7,219 per year, for a total amount not to exceed \$72,190 over a 10-year period.  
**The motion authorizing the negotiation and execution of an agreement with Phoebe Austin, LP was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
9. Authorize negotiation and execution of a two-year interlocal agreement with the Alamo Area Council of Governments for assistance in establishing the Central Texas Fuel Independence Project to reduce barriers to the widespread use of cleaner, domestic, and more secure alternative fuels and renewable fuel vehicles in the Austin and San Antonio region, for a total amount not to exceed \$180,000.  
**The motion authorizing the negotiation and execution of an interlocal agreement with the Alamo Area Council of Governments was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
10. Authorize the execution of an Interlocal Agreement with Travis County to provide joint funding for the completion of an Austin-Travis County Community Wildfire Protection Plan in an amount not to exceed \$100,000.  
**The motion authorizing the execution of an interlocal agreement with Travis County was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
11. Authorize negotiation and execution of professional services agreements with each of the following three staff-recommended firms (or one of the other qualified responders): STANLEY CONSULTANTS, INC., ENERGY ENGINEERING ASSOCIATES, INC., and AFFILIATED ENGINEERS, INC. for Austin Energy's 2013 Engineering Services for Chilled Water Pipes in Plants & Distribution Service Areas Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$1,500,000 divided among the three firms. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE subconsultant participation.)  
**This item was withdrawn on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
12. Authorize negotiation and execution of a professional services agreement with CDM SMITH INC., or one of the other qualified responders to RFQ Solicitation No. CLMP120, to provide environmental, civil engineering and other consulting services for the Austin Bergstrom International Airport for three years for a total contract amount not to exceed \$1,050,000. (Notes: This contract will be awarded in compliance

with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 16.00% MBE and 16.00% WBE subcontractor participation.)

**The motion authorizing the negotiation and execution of a professional services agreement with CDM Smith Inc. was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

13. Approve an ordinance amending the Fiscal Year 2012-2013 Economic Growth and Redevelopment Services Office Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate funds and adopt a budget for the East Sixth Street Public Improvement District (PID) with a beginning balance of \$84,124, revenue of \$110,040, and requirements of \$110,040.  
**Ordinance No. 20130307-013 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
14. Approve an ordinance establishing classifications and positions in the classified service of the Emergency Medical Services Department and creating certain positions in the classified service of the Emergency Medical Services Department.  
**This item was postponed on consent to March 28, 2013 on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
15. Approve an ordinance establishing classifications and pay rates, and creating positions in the classified service of the Fire Department, and repealing Ordinance No. 20120910-004 relating to Fire Department classifications and positions.  
**Ordinance No. 20130307-015 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
16. Authorize the execution of an Interlocal Agreement between the City of Austin and the Hays County ESD # 5/Kyle Fire Department to allow students enrolled in the Austin Independent School District's LBJ Fire Academy the ability to ride-out on fire apparatus. The initial term is one year and the parties may renew for up to four (4) additional one-year terms on mutual consent.  
**The motion authorizing the execution of an interlocal agreement between the City of Austin and the Hays County ESD # 5/Kyle Fire Department was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
17. Approve an ordinance accepting \$111,139 in grant funds for the Assistance to Firefighters Grant program from the Federal Emergency Management Agency (FEMA) and amending the Fiscal Year 2012-2013 Fire Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$111,139 for health and safety training firefighting personnel.  
**Ordinance No. 20130307-017 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
18. Approve a resolution authorizing the design of two looped nature trails, including an off-leash trail, at Yett Creek Neighborhood Park.  
**This item was withdrawn on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
19. Approve an ordinance authorizing negotiation and execution of an Advance Funding Agreement between the City of Austin and the Texas Department of Transportation for the construction of highway improvements and the construction of a bicycle and pedestrian bridge over Barton Creek at Mopac.  
**Ordinance No. 20130307-019 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
20. Authorize negotiation and execution of a 5-year Interlocal Agreement with TEXAS A&M FOREST SERVICE, to allow the City of Austin to participate in this agency's cooperative purchasing program to

purchase various types of wildland fire protection equipment and supplies offered through the GSA National WildFire Program. (Notes: This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is in compliance with Chapter 2-9D of the City Code (Minority -Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

**The motion authorizing the negotiation and execution of an interlocal agreement with Texas A&M Forest Service was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

21. Authorize award, negotiation, and execution of a 12-month requirements service contract with MORRIS & MCDANIEL, INC., or one of the other qualified offerors to RFP No. CEA0115, to provide an employment assessment process for the Austin Fire Department (AFD) in an estimated amount not to exceed \$336,000, with three 12-month extension options in an estimated amount not to exceed \$336,000 per extension option, for a total estimated contract amount not to exceed \$1,344,000.

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

22. Authorize award and execution of a 36-month requirements service contract with MIDSTATE ENVIRONMENTAL SERVICES, to provide maintenance and repairs for Parts Washer machines for the Fleet Services Department in an estimated amount not to exceed \$163,669, with three 12-month extension options in an estimated amount not to exceed \$77,698 for the first extension option, \$93,237 for the second extension option, and \$111,885 for the third extension option for a total estimated contract amount not to exceed \$446,489. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

23. Authorize award and execution of a 12-month requirements service agreement with ABM BUILDING & ENERGY SOLUTIONS to provide electric vehicle charging station maintenance for an estimated amount not to exceed \$70,000, with one 12-month extension option for an estimated amount not to exceed \$70,000, for a total estimated contract amount not to exceed \$140,000. (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 and execution of a requirements service agreement with ABM Building & Energy Solutions was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Item 24 was pulled for discussion.**

25. Authorize award, negotiation, and execution of a requirements service contract with LOOMIS PARTNERS, Inc., or one of the other qualified offerors to RFP No. JSD0131, to develop a Community Wildfire Protection Plan for a total estimated contract amount not to exceed \$200,000. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)

**The motion authorizing the award, negotiation and execution of a requirements service contract with Loomis Partners, Inc. was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

Items 26 and 27 were pulled for discussion.

28. Approve an ordinance amending the Fiscal Year 2012-2013 Austin Transportation Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to accept funds from the Federal Transportation Administration in the amount of \$4,000,000; amending the Fiscal Year 2012-2013 Austin Transportation Department Capital Budget (Ordinance No. 20120910-002) to transfer in and appropriate \$4,000,000 from the Austin Transportation Department Operating Budget Special Revenue Fund for project development and engineering of the urban rail program.  
**Ordinance No. 20130307-028 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
29. Approve negotiation and execution of Amendment No. 2 to the 2011 Interlocal Agreement with AUSTIN INDEPENDENT SCHOOL DISTRICT for transportation of Earth Camp students, to increase the not-to-exceed amount for fiscal year 2012-2013 from \$26,000 to \$30,000 and to increase the not-to-exceed amount for the four remaining one-year extension options from \$26,000 to \$30,000, for a total contract not-to-exceed amount of \$176,000.  
**The motion authorizing the negotiation and execution of amendment number two to the 2011 interlocal agreement with Austin Independent School District was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
30. 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 consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

#### Nominations

##### Board/Nominee

##### Nominated by

##### Commission on Veterans Affairs

Linda Yoder

Council Member Tovo

##### Downtown Commission

Hugh Simonich

Council Member Morrison

(representative - Downtown Austin Community Court Advisory Committee)

#### Waivers

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Linda Yoder's appointment to the Commission on Veterans Affairs.

31. Approve an ordinance waiving certain fees and requirements for the 2013 Bengali New Year Festival sponsored by the Bangladesh Association of Greater Austin which is to be held Saturday, April 20, 2013 at Fiesta Gardens. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Chris Riley CO 2: Mayor Lee Leffingwell)  
**Ordinance No. 20130307-031 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
32. Approve an ordinance waiving certain fees for the YWCA Members Speakers Series which is to be held on Thursday, March 21, 2013 at the Emma S. Barrientos Mexican American Cultural Center. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo)

**Ordinance No. 20130307-032 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

33. Approve an ordinance changing the geographical boundaries for the Community Development Commission. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez)  
**Ordinance No. 20130307-033 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
34. Approve a resolution amending the City's Legislative Program for the 83rd Legislature to support legislation that positively affects the mission of municipal animal shelters, animal health, veterinary medicine and any animal related regulations. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison)  
**Resolution No. 20130307-034 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
35. Approve a resolution to support and endorse the State of Texas using funds from the National Mortgage Settlement for housing and housing-related activities. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo)  
**Resolution No. 20130307-035 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
36. Approve an ordinance waiving certain fees and requirements for the Texas General Land Office 3rd Annual Texas Government Charitable Softball Tournament to benefit the Lone Star Chapter of the National Multiple Sclerosis Society which is to be held on Saturday, April 6, 2013 at the Havins Softball Complex. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley CO 2: Mayor Pro Tem Sheryl Cole)  
**Ordinance No. 20130307-036 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
37. Approve an ordinance waiving certain development fees related to the construction of classroom and office spaces at 2921 East 17th Street, Building B, for Creative Action in the amount of \$3,169. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez CO 2: Council Member Laura Morrison)  
**Ordinance No. 20130307-037 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Tovo recused herself.**
38. Approve an ordinance waiving certain fees and requirements for the People Organized in the Defense of Earth and her Resources (PODER) Annual Cesar Chavez Awards Dinner which is to be held on Saturday, March 23, 2013 at the Emma S. Barrientos Mexican American Cultural Center. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo CO 2: Council Member Chris Riley)  
**Ordinance No. 20130307-038 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
39. Set a public hearing to consider the permanent use of approximately 23,794 square feet of land for construction, use, maintenance, repair, and replacement of shoring or soil retention system, building canopy, bridge and roadway for the New Central Library/2nd Street Bridge and Extension Project through dedicated parkland known as Shoal Creek Greenbelt, in accordance with Texas Parks and Wildlife Code, Sec. 26.001 et seq. (Suggested date and time, April 11, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for April 11, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Item 40 was pulled for discussion.**

Items 41 through 47 were non-consent action items.

Items 48 and 49 were briefing items set for 10:30 a.m.

Items 50 through 53 were Executive Session items.

Items 54 through 64 were zoning items set for 2:00 p.m.

Items 65 and 66 were public hearing items set for 4:00 p.m.

Items 67 and 68 were addendum items.

**DISCUSSION ITEMS**

5. Authorize negotiation and execution of an agreement with Canyon Oaks, LP, to provide a performance-based incentive for the generation of solar energy at six facilities located on Royal Crest Drive and Burton Drive in Austin, Texas, for an estimated \$22,384 per year, for a total amount not to exceed \$223,840 over a 10-year period.

**The motion authorizing the negotiation and execution of an agreement with Canyon Oaks, LP was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

24. Authorize award, negotiation and execution of Amendment No. 7 to the contract with ECOLOGIC ANALYTICS, LLC, for a software upgrade and implementation, support, and system enhancing services for Austin Energy's existing Meter Data Management System in an amount not to exceed \$1,573,438, for a revised total contract amount not to exceed \$3,622,750. (Notes: This contract was 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 amendment number seven to the contract with Ecologic Analytics, LLC was approved on Council Member Council Member Tovo's motion, Council Member Spelman's second on a 7-0 vote.**

26. Authorize award and execution of a 24-month requirements service contract with ALLIED WASTE SERVICES #843, for the management and disposal of industrial Class 2 non-hazardous waste for Austin Energy in an estimated amount not to exceed \$529,640, with three 12-month extension options in an estimated amount not to exceed \$264,820 per extension option, for a total estimated contract amount not to exceed \$1,324,100. (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.) Not recommended by the Electric Utility Commission

**There was a motion made by Mayor Pro Tem Cole and seconded by Council Member Tovo to postpone this item to March 21, 2013. Direction was given to staff to take this item to the Zero Waste Advisory Commission to get their input on the hazardous waste information that exists.**

**There was a friendly amendment made by Council Member Riley to postpone this item to April 11, 2013. The amendment was accepted by the maker of the motion and Council Member Tovo, who made the second.**

**Direction was given to the Austin Energy staff to work with the Austin Resource Recovery Department.**

**This item was postponed to April 11, 2013 with the directions and friendly amendment listed above on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 6-1 vote. Council Member Spelman voted nay.**

#### **CITIZEN COMMUNICATIONS: GENERAL**

Librado Almanza - Public invited to Annual Cesar W. Chavez "Si Se Puede!" March on Saturday, March 23rd. Start at 10:30 a.m. at Terrazas Library, 1105 E. Cesar Chavez and March to City Hall Plaza

Margarita Ash - High profile domestic violence case against City of Austin **Not present when name was called**

Scott Johnson - Air quality

Kurt Blaschke - Barton Springs Ground Improvement Project

Karen Kreps - Against the Barton Springs Pool Ground Improvement Plans and any variances to SOS Amendment

David King - Barton Springs Pool General Improvement Plan

Dan Crow - Barton Springs Site Plan

Kathleen Magor - Barton Springs Master Plan

Bill Bunch - Barton Springs Pool Master Plan

Jane Castillo - Civil Rights discrimination complaint against Jimmy Clay golfcourse **Cancelled**

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:26 p.m.**

#### **EXECUTIVE SESSION**

**The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.**

50. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071)  
**This item was withdrawn.**
51. Discuss legal issues related to the November 6, 2012 election (Private consultation with legal counsel- Section 551.071)  
**This item was withdrawn.**
52. Discuss legal issues related to zoning (Private consultation with legal counsel-Section 551.071).



53. Discuss legal issues related to Cause No. D-1-GN-12-003601; BCAC Acquisition, LLC v. City of Austin; In the District Court of Travis County, Texas, 98th Judicial District - this involves land in the Barton Springs Zone (Private consultation with legal counsel - Section 551.071).

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 3:27 p.m.**

**ACTION ON ITEMS WITH CLOSED PUBLIC HEARINGS - PER CITY CODE SECTION 2-5-27, SPEAKERS WILL NOT BE REGISTERED**

41. Approve second and third readings of an ordinance amending City Code Chapter 25 pertaining to downtown off-street parking and loading requirements. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON FEBRUARY 28, 2013.  
**This item was postponed to March 21, 2013 on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.**

**ZONING CONSENT ITEMS**

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

54. 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 21, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
55. C14-2012-0129 - Public Storage - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13685 North U.S. Highway 183 (Lake Creek Watershed) from community commercial services-conditional overlay (GR-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning. First reading approved on January 17, 2013. Vote 6-0, Mayor Leffingwell absent. Owner/Applicant: Laurmic (Michael T. Pokorny). Agent: Jackson Walker, L.L.P. (Katherine P. Loayza). City Staff: Sherri Sirwaitis, 974-3057.  
**Ordinance No. 20130307-055 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
56. C814-2012-0055 - Covered Bridge Planned Unit Development - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6714 Covered Bridge Drive (Williamson Creek Watershed-Barton Springs Zone) from community commercial-neighborhood plan (GR-NP) combining district zoning, community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning, multi-family residence limited density-neighborhood plan (MF-1-NP) combining district zoning, townhouse and condominium residence-neighborhood plan (SF-6-NP) combining district zoning, and rural residence-neighborhood plan (RR-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. The land in the PUD is within the Barton Springs Zone in which the City's Save Our Springs (SOS) ordinance applies. First reading approved on January 31, 2013. Vote: 7-0. Owner/Applicant: PPF AMLI Covered Bridge Drive, LLC; CBAL Whitecrowe LLC; Covered Bridge Section 8, LLC. (Ron Thrower). City Staff: Heather Chaffin, 974-2122.

**Ordinance No. 20130307-056 for planned unit development-neighborhood plan (PUD-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

57. 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 21, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
58. C14-84-056(RCT) - Wells Fargo - Enfield #2 - Conduct a public hearing to terminate a restrictive covenant as it relates to certain uses on property locally known as 605 West 15th Street (Town Lake Watershed). Staff Recommendation: To grant the restrictive covenant termination. Planning Commission Recommendation: To grant the restrictive covenant termination. Applicant: Well Fargo Bank, N. A. (Joe Zafareo). Agent: Brown McCarrol, L.P.P. (Jerry Harris). City Staff: Clark Patterson, 974-7691.  
**This item was postponed on consent to March 21, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
59. C14-75-085(RCT) - Wells Fargo - Enfield #1 - Conduct a public hearing to terminate a restrictive covenant as it relates to certain uses on property locally known as 605 West 15th Street (Town Lake Watershed). Staff Recommendation: To grant the restrictive covenant termination. Planning Commission Recommendation: To grant the restrictive covenant termination. Applicant: Well Fargo Bank, N. A. (Joe Zafareo). Agent: Brown McCarrol, L.P.P. (Jerry Harris). City Staff: Clark Patterson, 974-7691.  
**This item was postponed on consent to March 21, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
61. C14-2012-0146.SH - 1044 Norwood Park Blvd. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1044 Norwood Park Boulevard (Little Walnut Creek Watershed) from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to commercial highway services-neighborhood plan (CH-NP) combining district zoning. Staff Recommendation: To grant commercial highway services-conditional overlay-neighborhood plan (CH-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial highway services-conditional overlay-neighborhood plan (CH-CO-NP) combining district zoning. Owner: DBSI Village at Norwood, LLC (Conrad Myers). Agent: Conley Engineering, Inc. (Carl Conley). City Staff: Heather Chaffin, 974-2122.  
**The public hearing was conducted and the motion to close the public hearing and adopt the ordinance on first reading for commercial highway services-conditional overlay-neighborhood plan (CH-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
62. C14-2012-0147 - 2025 E. 7th Street - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2025 East 7th Street (Town Lake Watershed) from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning. Owner:

SL Chicon, LP (John Kiltz). Agent: Gibson Lamar Partners, LP (Arthur Carpenter). City Staff: Heather Chaffin, 974-2122.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130307-062 for general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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.
- The public hearing was conducted and the motion to close the public hearing and adopt the amendment to the restrictive covenant by removing 32.025 acres from the 194.74 restrictive covenant was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

#### **MORNING BRIEFINGS CONTINUED**

49. Briefing on the Comprehensive Land Development Code Revision.
- The presentation was made by Rolando Fernandez, Assistant Director, Contract and Land Management Department and George Adams, Assistant Director, Planning and Development Review Department; Clarion Group: Matthew Goebel, AICP, principal and Don Elliott, FAICP Clarion Associates; Robena Jackson, Group Solutions RJW; Karen McGraw, Architect; and Opticos Group: Daniel Parolek, Armando Rayo, Cultural Strategies, Peter Park, Consulting.**
48. Briefing on Air Quality Program Recommendations.
- This item was withdrawn without objection.**

#### **DISCUSSION ITEMS CONTINUED**

27. Authorize award and execution of a 24-month requirements service agreement with ISS FACILITY MAINTENANCE, or one of the other qualified bidders for IFB-BV MLG0057, to provide janitorial services in an estimated amount not to exceed \$1,283,088, with two 12-month extension options in an estimated amount not to exceed \$641,544 per extension option, for a total estimated contract amount not to exceed \$2,566,176. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
- The motion authorizing the award and execution of a requirements service agreement with the following was approved on Council Member Morrison motion, Council Member Spelman's second on a 7-0 vote.**

**The award is as follows:**

**Authorize award of IFB-BV MLG0057 and execution of a 24-month requirements service agreement with Goodwill staffing, to provide janitorial services (Package A) in an estimated amount not to exceed \$657,024, with two 12-month extension options in an estimated amount not to**

exceed \$328,512 per extension option, for a total estimated contract amount not to exceed \$1,314,048 and with ISS Facility Maintenance, to provide janitorial services (Package B and C) in an estimated amount not to exceed \$653,856, with two 12-month extension options in an estimated amount not to exceed \$326,928 per extension option, for a total estimated contract amount not to exceed \$1,307,712; for a total estimated contract award not to exceed \$2,621,760 based upon the best value criteria in the bid.

### **ZONING DISCUSSION ITEMS**

60. C14-2012-0145 - 2111 Fort View - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2111 Fort View Road (Blunn Creek Watershed) from family residence (SF-3) district zoning to limited office (LO) district zoning, with conditions. Staff Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning, with conditions. Planning Commission Recommendation: To grant neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning, with conditions. Owner: Eveann Investments, LP (William G. Franklin). Applicant: One Management, Inc. (Howard P. Kells). City Staff: Lee Heckman, 974-7604.
- The public hearing was conducted and the motion to close the public hearing and adopt the ordinance on first reading for neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning, with conditions was approved on Council Member Tovo's motion, Council Member Morrison's second on a 7-0 vote. The conditions are:**
- **Trip limitation of 2,000 vehicle trips per day**
  - **Hours of operation: Monday through Saturday – 8:00 a.m. to 5:00 p.m.  
Sunday – Noon to 5:00 p.m.**
  - **Prohibit vehicular access to and from the subject tract and Fort View Blvd. for civic and commercial uses, with exceptions for emergency services and bicycle and pedestrian traffic.**
  - **Prior to Council adoption of a rezoning ordinance, require recordation of a shared access easement between the subject tract and the property at 2110 W. Ben White Boulevard be executed.**
63. C14-2012-0165 - W.O.B. - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 3109 South Lamar Boulevard (West Bouldin Creek Watershed) from general commercial services-vertical mixed use building (CS-V) combining district zoning to commercial-liquor sales-vertical mixed use building (CS-1-V) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-vertical mixed use building (CS-1-V) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-vertical mixed use building (CS-1-V) combining district zoning. Owner: Residences at the Spoke, LLC by Transwestern. Applicant: Bury + Partners (Melissa Neslund). City Staff: Lee Heckman, 974-7604.
- The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130307-063 for commercial-liquor sales-vertical mixed use building (CS-1-V) combining district zoning was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-1 vote. Council Member Morrison voted nay.**

### **ZONING DISCUSSION ITEM CONTINUED**

68. C14-2012-0130 - 4th & Guadalupe Rezoning - Approve third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 401 Guadalupe Street, 304 West 4th Street and 400 Lavaca Street (Town Lake Watershed) from central business district (CBD) district zoning to central business district-central urban redevelopment district (CBD-CURE) combining district zoning. Staff Recommendation: To grant central business district-central urban redevelopment district (CBD-CURE) combining district zoning. First reading approved on February 14, 2013. Vote 6-1. Council Member voting nay. Second reading approved on February 28, 2013. Vote 6-1. Council Member Tovo voting nay. Applicant: LG Guadalupe, L.P. (Ben Pisklak) & Austin Trust Company (Ann Graham

& Susan Harris). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Clark Patterson, 974-7691.

**Ordinance No. 20130307-068 for central business district-central urban redevelopment district (CBD-CURE) combining district zoning was approved on Mayor Pro Tem Cole'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 Martinez and Riley. Those voting nay were Council Members Morrison, Spelman and Tovo.**

**Mayor Leffingwell recessed the Council Meeting for Live Music and Proclamation at 5:40 p.m.**

### **LIVE MUSIC**

Carrie Elkin

### **PROCLAMATIONS**

Proclamation -- TET Offensive Remembrance Day -- to be presented by Mayor Lee Leffingwell and to be accepted by representatives of Vietnam Veterans groups

Proclamation -- Red Cross Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Marty McKellips

**Mayor Leffingwell called the Council Meeting back to order at 7:00 p.m.**

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

65. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to encourage the relocation of historically significant buildings in the Rainey Street subdistrict of the Waterfront Overlay Combining District to appropriate locations outside of the subdistrict in lieu of demolition.

**The public hearing was conducted and the motion to hold the public hearing open and postpone the item to April 11, 2013 was approved on Council Member Martinez' motion, Council Member Tovo's second on a 7-0 vote.**

66. Conduct a public hearing and consider an ordinance creating an economic development program with National Instruments Corporation and authorizing the negotiation and execution of an Economic Development Agreement with National Instruments Corporation.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130307-066 was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

### **DISCUSSION ITEMS CONTINUED**

67. Approve a resolution directing the City Manager to explore ridesharing regulations in peer cities and make recommendations by June 1, 2013. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Laura Morrison CO 2: Council Member William Spelman)

**Resolution No. 20130307-067 was approved on Council Member Riley's motion, Council Member Morrison's second as amended on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Morrison, Riley and Spelman. Those voting nay were: Council Members Martinez and Tovo.**

**There was a friendly amendment made by Council Member Spelman to add a second Be It Further Resolved at the end of the resolution to read, "Be it further resolved, the City Manager is directed to issue and enforce cease and desist orders against firms that engage in peer-to-peer ridesharing**

for profit, and to use whatever legal and effective means are available to discourage use of peer-to-peer ridesharing for profit until the public safety and other regulatory concerns have been addressed. The amendment was accepted by the maker of the motion and Council Member Morrison, who made the second.

There was a friendly amendment made by Mayor Leffingwell to amend Council Member Spelman's friendly amendment by replacing the words "for profit" with the words "for compensation". The friendly amendment was accepted by both the maker and Council Member Morrison who made the second.

#### **DISCUSSION ITEMS CONTINUED**

40. Set a public hearing to consider an ordinance granting a site specific amendment to City Code Section 25-8-514 (Save Our Springs Initiative) and a variance to City Code Sections 25-8-482 (Critical Water Quality Zone) and 25-8-483 (Water Quality Transition Zone) to allow construction of the Barton Springs Pool General Grounds Improvement Project in the Critical Water Quality Zone and Water Quality Transition Zone of Barton Creek and to exceed impervious cover requirements. This action concerns land located within the Barton Springs Zone. (Suggested date and time: March 28, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set for April 11, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote. Direction was given to staff to schedule a Council briefing on either March 21, 2013 or March 28, 2013.

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

#### **ACTION ON ITEMS WITH CLOSED PUBLIC HEARINGS - PER CITY CODE SECTION 2-5-27, SPEAKERS WILL NOT BE REGISTERED CONTINUED**

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

The public hearing was closed and the first reading of the ordinance was approved with the following amendments to the East Riverside Corridor Regulating Plan on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.

- On pages 11-18, figures 1-1 to 1-8, change the label in the key from "East Riverside Corridor Zoning District Boundary" to "East Riverside Corridor Planning Area Boundary."
- On pages 19-23, figures 1-9 through 1-13, Subdistrict Development Regulations, Environmental Maximum Impervious Cover Citations change from City of Austin Environmental Criteria Manual (ECM) to the Land Development Code Section 25-8.
- On page 24, add a new Figure 1-14, East Riverside Corridor (ERC) Future Land Use Map (November 8, 2012 draft).
- On page 39, correct the figure 3-4 to show the correct dimensions of the clear zone and planting zone as stated in figure 3-2, the required standards for public sidewalks within the East Riverside Corridor Zoning District.
- On page 55, replace figure 4-1 (Two Story Minimum Requirements) with the November 8, 2012 draft figure 4-1 (Two Story Minimum Requirements).

- On page 56, Subsection 4.2.3.D.1 Impervious Cover change to cite the Land Development Code Section 25-8.
- On page 81, Subsection 4.11.3.A change to cite the Land Development Code Section 25-8.
- On page 81, Subsection 4.11.3.B change citation from the Land Development Code Section 25-2-601 to the Land Development Code Section 25-1-601 and from the Land Development Code Section 25-2-063 to the Land Development Code Section 25-1-603.
- On page 97, Subsection 6.4.1.B.4 modify to cite 6.4.1.B.1.
- On page 97, Subsection 6.4.1.B.5 modify to cite 6.4.1.B.1.

The motion to adopt the following amendments to the East Riverside Corridor Regulating Plan was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

- On page 59, Subsection 4.2.4.D.2.b remove "Outdoor dining (not after 10:00 pm)" from list of permitted activities in the restricted use zone.
- On page 61, Subsection 4.2.4.D.4.b.ii should read "Automobiles in the parking structure must be screened from public view from the public right of way and from the triggering property."
- On page 62, Subsection 4.2.4.E remove subsections 1 and 2 and modify subsection 3 to read "Variances may only be granted by the Board of Adjustment due to hardship, per Land Development Code Section 25-2-473 (Variance Requirements)."
- On page 77, Subsection 4.9.3.C (paragraph after subsection 7) should read "Where private common open space areas, trails, parks, or other public spaces exist or are proposed in the Montopolis Greenbelt Trail route, the Country Club Creek Trail route, or in the City of Austin Trails Master Plan, Austin Parks and Recreation Long-Range Plan, Sidewalk Master Plan, or Bicycle Plan within or adjacent to the tract to be subdivided or developed, the private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing or proposed trail, park, or other open area land. Public access easements may be required in order to guarantee public access to these facilities."
- On page 97, Subsection 6.4.1.C.2 should read "The developer shall pay into the Transit Area Housing Assistance Fund 100 percent of the fee prescribed by Subsection 3. Below for each square foot of the bonus area granted through the provision of this public benefit."
- On page 97, Subsection 6.4.1.C.3, should read "The fee to be paid into the City fund for each square foot of Bonus Area is established as 50 cents. This fee should be reviewed at least every 5 years."
- On page 97, Subsection 6.4.1.C.3 remove the \$.50 fee.
- On page 32, figure 2-1 make Congregate Living a permitted use in all East Riverside Corridor Subdistricts.

Council Member Morrison made a friendly amendment to revise page 97 of the draft E. Riverside Corridor Regulating Plan, Subsection 6.4.1.C.3 to read "The fee to be paid into the City fund for each square foot of Bonus area will be recalculated based on the Austin Downtown Plan. This fee should be reviewed at least every five years." The friendly amendment was accepted by both the maker of the motion and Council Member Spelman, who made the second.

The motion to adopt the following amendments to the East Riverside Corridor Regulating Plan was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second with the following friendly amendment on a 7-0 vote.

- On page 4, Subsection 1.2.3.D.1 should read "Development that does not require a site plan under LDC Section 25.5.2, except that Section 4.6 (Exterior Lighting) shall apply."

- On page 15, modify the collector street map to account for an existing drainage way. See revised Figure 1-5: East Riverside Corridor Collector Street Map (November 8, 2012 draft) and associated Figure 1-3: East Riverside Corridor Roadway Type Map (November 8, 2012 draft).
- On page 51, Subsection 3.5.6.C should read “Alleys should be used mid-block for service access and shall not substitute for streets required to meet the minimum block size or connectivity requirements in this Section, but may be used for emergency vehicle access if approved by the Fire Department.”
- On pages 19-23, figures 1-9 to 1-13 change the following Floor-to-Area Ratio (FAR) in each figure to 60% of the minimum Floor-to-Area Ratio (FAR) allowed for each Subdistrict.

Council Member Morrison made a friendly amendment on page 4, Subsection 1.2.3.D.1 to include the site plan exemptions listed in the Land Development Code Section 25-5-2 (D)(1)(a) through (D)(1)(i). The friendly amendment was accepted by both the maker and Council Member Spelman who made the second.

The motion to adopt the following amendments to the East Riverside Corridor Regulating Plan was approved on Council Member Morrison’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

- On page 62, Subsection 4.2.4.D.5.b (Compatibility Standards – Additional Standards) should read “Any permanently place refuse receptacle, including a dumpster, may not be located 50 feet or less from adjoining triggering property. The location of and access to any permanently placed refuse receptacle, including a dumpster, must comply with guidelines published by the City. The Planning and Development Review Department shall review and must approve the location of and access to each refuse receptacle on a property.”
- On page 62, Subsection 4.2.4.D.5.c (Compatibility Standards – Additional Standards) should read “Collection or dumping of any permanently placed refuse receptacle 100 feet or less from adjoining triggering property is prohibited between 10:00 pm and 7:00 am.”
- On page 69, Subsection 4.4.3 (Shared Parking) should read “Optional Shared Parking.”
- On page 69, Subsection 4.4.4 (Reduction of Minimum Off-Street Parking Requirements) should read “Optional Reduction of Minimum Off-Street Parking Requirements.”
- On page 73, Subsection 4.7.2.B (Screening of Equipment and Utilities) delete “and acoustic impacts” to be consistent with proposed Subchapter E amendments.
- On page 95, Subsection 6.3.2 (Density Bonus Standards) add at the end of paragraph, “If final bonus square footage is different than the amount estimated at the site plan approval stage, the public benefit requirements will be adjusted accordingly. The final public benefit requirements will be documented before a certificate of occupancy will be granted.”
- On page 97, Subsection 6.4.1.B.4. (Affordability Requirements for Owner-Occupied Units) should read “Habitable space (as defined in Article 7 Definitions) as required in 6.4.1.A.1 shall be reserved as affordable through a City approved affordable housing land trust or other shared equity model approved by the Director of Neighborhood Housing and Community Development (NHCD), for not less than 99 years from the date of certificate of occupancy is issued, for ownership and occupancy by households earning no more than 80 percent of the Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the Director of NHCD.”
- On page 97, Subsection 6.4.1.B.5 (Affordability Requirements for Rental Units) should read “Habitable space (as defined in Article 7 Definitions) as required in 6.4.1.A.1 shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than 60 percent of the Annual Median Family Income.”



- On page 106, Article 7, add the following definition “Habitable space – Interior square footage designed for people to live in. Habitable space will be measured to the inside surface of the party or exterior walls of the unit.”

The motion to adopt the following amendments to the East Riverside Corridor Regulating Plan with the following friendly amendment was approved on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole, Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.

- On page 27, Subsection 2.3.5.B (Drive-Through Facilities) delete the text of Subsection B and replace with the following, “A property containing a drive-through facility legally constructed or permitted prior to (insert ERC Regulating Plan adoption Date), is not subject to this Subsection 2.3.5.A. Construction on said properties can include the replacement of a drive-through facility, but construction will be subject to all standards in the East Riverside Corridor Regulating Plan according to the applicability standards in Section 1.2 Applicability. The number of drive-through bays or lanes cannot be increased from those existing as of the above date.”
- On page 72, Subsection 4.5 (Drive-Through Facilities) should read “Unless legally constructed or permitted prior to (insert East Riverside Corridor Regulating Plan adoption date), drive through facilities are not allowed in the East Riverside Corridor Zoning District.”
- Mayor Leffingwell made a friendly amendment to revise the last sentence on page 27, Subsection 2.3.5.B (Drive-Through Facilities), to read “The number of drive-through bays of lanes can only be increased using a conditional permit.” The friendly amendment was accepted by both the maker and Mayor Pro Tem Cole who made the second.

The motion to adopt the following amendment to the East Riverside Corridor Regulating Plan was approved on Council member Spelman’s motion, Mayor Leffingwell’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 Member Morrison and Tovo.

- On page 28, Land Use Table modify “Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type) to be conditional uses in the Neighborhood Mixed Use (NMU) Subdistrict with the following additional requirements. Land use cannot be utilized as a rationale to seek Alternative Equivalent Compliance.”

The motion to add to Section 1.4.3 of the East Riverside Corridor Plan the following language was approved on Council Member Morrison’s motion, Council Member Tovo’s second on a 7-0 vote. The plan should state, “If an applicant submits a request for Alternative Equivalent Compliance for a site plan, City staff will send electronic notification of that request to registered Neighborhood Organizations and the Neighborhood Contact Team with boundaries within 500 feet of the property for which the Alternative Compliance is requested. Written comments about the Alternative Compliance requests maybe submitted to the Planning and Development Review Department site plan case manager within 14 days of the postmark of the Alternative Compliance notice and staff will take comments into consideration during the Alternative Compliance review.”

43. NPA-2012-0021.02 - East Riverside Corridor Regulating Plan (East Riverside/Oltorf Combined (ERO) Neighborhood Planning Area) - Approve an ordinance amending Ordinance No. 20061116-055, an element of the Imagine Austin Comprehensive Plan, by adopting the East Riverside Corridor Regulating Plan and changing the future land use designations of approximately 815 acres from various future land use designations to Specific Regulating District (SRD), on property in the ERO Neighborhood Planning Area located along or in proximity to East Riverside Drive, between IH-35 on the west and Grove Boulevard on the east (Harper's Branch Watershed, Town Lake Watershed, Country Club East Creek

Watershed, Country Club West Creek Watershed, Carson Creek Watershed). Staff Recommendation: To grant Specific Regulating District. Planning Commission Recommendation: To grant Specific Regulating District, with conditions. On November 8, 2012, Council conducted the public hearing. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012.

**The public hearing was closed and the first reading of the ordinance was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Tovo recused herself due to a conflict of interest.**

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

**The public hearing was closed and the first reading of the ordinance was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

45. C14-2012-0111a - East Riverside Corridor Regulating Plan (East Riverside Neighborhood Planning Area) - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 13 tracts (approximately 228 acres) within the East Riverside Corridor Regulating Plan boundaries, on property in the East Riverside Neighborhood Planning Area located along or in proximity to East Riverside Drive, between IH-35 on the west and Pleasant Valley Road on the east (Harper's Branch Watershed, Town Lake Watershed, Country Club West Creek Watershed) from unzoned, rural residence-neighborhood plan (RR-NP) combining district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning, multi-family residence-medium density (MF-3) district zoning, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning, multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, multi-family residence-moderate-high density (MF-4) district zoning, multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning, multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CO-NP) combining district zoning, limited office-neighborhood plan (LO-NP) combining district zoning, limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning, general office-neighborhood plan (GO-NP) combining district zoning, general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, general office-mixed-use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, neighborhood commercial-neighborhood plan (LR-NP) combining district zoning, neighborhood commercial-vertical mixed use building-conditional overlay-neighborhood plan (LR-V-CO-NP) combining district zoning, community commercial (GR) district zoning, community commercial-conditional overlay (GR-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, community commercial-neighborhood plan (GR-NP) combining district zoning, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, warehouse/limited office-conditional overlay-neighborhood plan (W/LO-CO-NP) combining district zoning, general commercial services (CS) district zoning, general commercial services-conditional overlay (CS-CO) combining district zoning, general commercial

services-neighborhood plan (CS-NP) combining district zoning, general commercial services-mixed-use conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, commercial-liquor sales (CS-1) district zoning, commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning, commercial-liquor sales-mixed-use conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning, and lake commercial conditional overlay-neighborhood plan (L-CO-NP) combining district zoning to East Riverside Corridor (ERC) district zoning. The proposed zoning changes will implement the land use recommendations of the adopted East Riverside Corridor (ERC) Master Plan. Staff Recommendation: To grant East Riverside Corridor (ERC) district zoning. Planning Commission Recommendation: To grant East Riverside Corridor (ERC) district zoning, with conditions. On November 8, 2012, Council conducted the public hearing. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012.

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

**The motion to rezone the property located at 1600 S Pleasant Valley Road (Tract 6) to Commercial Mixed-Use (CMU) and make the property eligible for 120 feet of height under the East Riverside Corridor Development Bonus was approved on first reading on Council Member Riley's motion, Council Member Martinez' second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.**

**The motion to rezone the property located at 2229 East Riverside Drive (Tract 22) to Commercial Mixed-Use (CMU) was approved on first reading on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-1 vote. Those voting nay were Council Member Tovo.**

**The motion to rezone the property located at 1725 East Riverside Drive (Tract 19) to Commercial Mixed-Use (CMU) was approved on first reading on Council Member Riley's motion, Council Member Morrison's second on a 7-0 vote.**

**The motion to rezone the property located at 2001 East Riverside Drive (Tract #19) to Commercial Mixed-Use (CMU) was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

46. C14-2012-0111b - East Riverside Corridor Regulating Plan (Pleasant Valley Neighborhood Planning Area) - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 14 tracts (approximately 365 acres) within the East Riverside Corridor Regulating Plan boundaries, on property in the Pleasant Valley Neighborhood Planning Area located along or in proximity to East Riverside Drive, between Pleasant Valley Road on the west and Grove Boulevard on the east (Country Club East Creek Watershed, Country Club West Creek Watershed) from rural residence (RR) district zoning, rural residence-neighborhood plan (RR-NP) combining district zoning, single family residence-large lot-neighborhood plan (SF-1-NP) combining district zoning, single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning, family residence-neighborhood plan (SF-3-NP) combining district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-low density conditional overlay (MF-2-CO) combining district zoning, multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning, multi-family residence-medium density conditional overlay (MF-3-CO) combining district zoning, multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, multi-family residence-moderate-high density (MF-4) district zoning, limited office-mixed use conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning, general office-mixed-use conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, neighborhood commercial-mixed use conditional overlay

(LR-MU-CO) combining district zoning, neighborhood commercial-neighborhood plan (LR-NP) combining district zoning, neighborhood commercial-mixed use-conditional overlay-neighborhood plan (LR-MU-CO-NP) combining district zoning, community commercial (GR) district zoning, community commercial-conditional overlay (GR-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, community commercial-neighborhood plan (GR-NP) combining district zoning, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning, warehouse/limited office-conditional overlay-neighborhood plan (W/LO-CO-NP) combining district zoning, general commercial services (CS) district zoning, general commercial services-conditional overlay (CS-CO) combining district zoning, general commercial services-mixed-use-neighborhood plan (CS-MU-NP) combining district zoning, commercial-liquor sales (CS-1) district zoning, commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning, industrial park-neighborhood plan (IP-NP) combining district zoning, and limited industrial service-neighborhood plan (LI-NP) combining district zoning to East Riverside Corridor (ERC) district zoning. The proposed zoning changes will implement the land use recommendations of the adopted East Riverside Corridor (ERC) Master Plan. Staff Recommendation: To grant East Riverside Corridor (ERC) district zoning. Planning Commission Recommendation: To grant East Riverside Corridor (ERC) district zoning, with conditions. On November 8, 2012, Council conducted the public hearing. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012.

**The public hearing was closed and the first reading of the ordinance to grant East Riverside Corridor (ERC) district zoning all 14 tracts with the exception of tract 10 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Council Member Spelman made the motion to rezone the property located at 5600 East Riverside Drive (Tract 10) to Neighborhood Mixed-Use (NMU).**

**A substitute motion to not rezone the property located at 5600 East Riverside Drive (tract #10) failed on Council Member Morrison's motion, Council Member Martinez' second on a 4-3 vote. Those voting aye were: Council Members Martinez, Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman.**

**The motion to rezone the property located at 5600 East Riverside Drive (Tract 10) to Neighborhood Mixed-Use (NMU) was approved on first reading 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, Council Members Riley and Spelman. Those voting nay were: Council Members Martinez, Morrison and Tovo.**

**A motion to grant the applicant's request to leave the current zoning unchanged for the properties located at 5617, 5701, 5709, and 5717 Penick Drive (tract #10) was approved on first reading on Council Member Morrison's motion, Council Member Martinez' second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole, Council Members Martinez, Morrison and Tovo. Those voting nay were: Council Members Riley and Spelman.**

47. C14-2012-0112 - East Riverside Corridor Regulating Plan (Montopolis Neighborhood Planning Area) - Approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 11 tracts (approximately 235 acres) within the East Riverside Corridor Regulating Plan boundaries, on property located in the Montopolis Neighborhood Planning Area along or in proximity to East Riverside Drive, between Grove Boulevard on the west and State Highway 71 on the east (Country Club East Creek Watershed, Carson Creek Watershed, Colorado River Watershed) from rural residence-neighborhood plan (RR-NP) combining district zoning, family residence-neighborhood plan (SF-3-NP) combining district zoning, single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning, multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning, multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district

zoning, multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, multi-family residence-medium density-conditional overlay-neighborhood plan (MF-3-CO-NP) combining district zoning, general office-mixed use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, neighborhood commercial-neighborhood plan (LR-NP) combining district zoning, neighborhood commercial-mixed use-neighborhood plan (LR-MU-NP) combining district zoning, community commercial-neighborhood plan (GR-NP) combining district zoning, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, general commercial services-neighborhood plan (CS-NP) combining district zoning, general commercial services-mixed use-neighborhood plan (CS-MU-NP) combining district zoning, general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning and limited industrial service-neighborhood plan (LI-NP) combining district zoning to East Riverside Corridor (ERC) district zoning. The proposed zoning changes will implement the land use recommendations of the adopted East Riverside Corridor (ERC) Master Plan. Staff Recommendation: To grant East Riverside Corridor (ERC) district zoning. Planning Commission Recommendation: To grant East Riverside Corridor (ERC) district zoning, with conditions. On November 8, 2012, Council conducted the public hearing. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012.

**The public hearing was closed and the first reading of the ordinance to grant East Riverside Corridor (ERC) district zoning to all 11 tracts with the exceptions of track 16, 15, 17 and 31 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

**A motion to rezone the property located at Vargas Road, north of East Riverside Drive (ABS Delvalle S ACR 17.090) (Tract 16) to Neighborhood Mix-Use (NMU) was approved on first reading on Council Member Riley's motion, Council Member Martinez' second on a 7-0 vote.**

**A motion to rezone the property located at 1700 ½ Frontier Valley Road (Tract 15) to Neighborhood Residential (NR) was approved on first reading on Council Member Spelman's motion, Council Member Morrison's second on a 6-1 vote. Those voting nay were Council Member Martinez.**

**A motion to rezone the property located at 7600-7812 East Ben White Boulevard (Tract 17) to Commercial Mix-Use (CMU) was approved on first reading on Council Member Spelman's motion, Council Member Riley's second on a 7-0 vote.**

**A motion to rezone the property located at 6301 East Riverside Drive (Tract 31) to Commercial Mixed-Use (CMU) was approved on first reading on Mayor Pro Tem Cole's motion, Council Member Riley's second on a 7-0 vote.**

**Mayor Leffingwell adjourned the meeting at 11:16 p.m. without objection.**

**The minutes were approved on this the 21st day of March 2013 on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**