



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, MARCH 21, 2013**

**Invocation:** John Atkinson, Lead Pastor, The Edge Community 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 21, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.**

**Mayor Leffingwell called the Council Meeting to order at 10:08 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 March 5, 2013 and regular meeting of March 7, 2013.  
**The minutes from the City Council work session of March 5, 2013 and regular meeting of March 7, 2013 were approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
2. Approve a resolution appointing two new individuals to the stakeholders group of the Executive Management Committee of the Austin-LCRA Water Partnership in accordance with the Supplemental Water Supply Agreement between the City and LCRA.  
**Resolution No. 20130321-002 was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
3. Authorize execution of an amendment to the cost reimbursement agreement with MAK Marshall Ranch, L.P., assigned to D 71, L.P., to modify the project scope by adding approximately 1,600 linear feet of 24-inch water main to the project located along East State Highway 71 east of Ross Road.  
**The motion authorizing the execution of an amendment to the cost reimbursement agreement with MAK Marshall Ranch, L.P. was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
4. Authorize execution of a construction contract with SMITH CONTRACTING CO., INC., for Polygon 337 Water Rehabilitation Waterline Replacement Project in the amount of \$4,513,888 plus a \$225,694.40 contingency, for a total contract amount not to exceed \$4,739,582.40. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 11.70% MBE and 2.35% WBE subcontractor participation.)

**The motion authorizing the execution of a construction contract with Smith Contracting Co., Inc. was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**

5. Authorize execution of a construction contract with GREEN CONSTRUCTOR GROUP, LLC, (WBE/FW-52.01%) for the Oak Valley Road/Old Manchaca Road Waterline Rehabilitation in the amount of \$326,169.30 plus a \$32,616.93 contingency, for a total contract amount not to exceed \$358,786.23. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 13.35% MBE subcontractor participation and 52.01% WBE prime participation.)  
**This item was withdrawn on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
6. Authorize execution of a construction contract with R.S. ELLIS, INC. DBA SOUTHWEST CORPORATION, for Austin Convention Center Electrical Upgrade 2013 in the amount of \$1,112,922 plus a \$166,938.30 contingency, for a total contract amount not to exceed \$1,279,860.30. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 11.05% MBE and 0.41% WBE subcontractor participation.)  
**The motion authorizing the execution of a construction contract with R.S. Ellis, Inc. doing business as Southwest Corporation was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
7. Authorize execution of change order #4 to the construction contract with TEXAS SOLAR POWER COMPANY (MBE/MH-96.30%) for the restoration of a solar array at the Decker Creek Power Station in the amount of \$53,872.45, for a total contract amount not to exceed \$1,056,370.25. (Notes: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) with 96.30% MBE prime participation and 3.70% WBE subcontractor participation to date including this change order.) Recommended by the Electric Utility Commission and the Resource Management Commission.  
**The motion authorizing the execution of change order number four to the construction contract with Texas Solar Power Company was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
8. Authorize execution of a construction contract with BLASTCO TEXAS, INC., for the Anderson Mill Reservoir Improvements project in the amount of \$1,953,747.00 plus a \$195,374.70 contingency for a total contract amount not to exceed \$2,149,121.70. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts with 12.65% MBE and 18.02% WBE subcontractor participation.)  
**The motion authorizing the execution of a construction contract with Blastco Texas, Inc., was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
9. Authorize execution of a construction contract with LAYNE HEAVY CIVIL, INC., for the Martin Hill Transmission Main Project in the amount of \$17,242,228.75 plus a \$1,724,222.87 contingency, for a total contract amount not to exceed \$18,966,451.62. (Notes: This contract will be awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievement of Good Faith Efforts with 3.53% MBE and 12.73% WBE subcontractor participation.)  
**The motion authorizing the execution of a construction contract with Layne Heavy Civil, Inc., was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**

**Item 10 was pulled for discussion.**

11. 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 adopt a budget for the Austin Downtown Public Improvement District, with a beginning balance of \$318,523, revenue of \$3,271,980, and requirements of \$3,271,980.  
**Ordinance No. 20130321-011 was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole recused herself.**
12. Approve the revised Artwork Donation and Loan Policy that will be administered by the Cultural Arts Division of the Economic Growth and Redevelopment Services Office and implemented citywide by various departments to manage the process of reviewing and accepting proposed artwork donations and loans to the City.  
**The motion to approve the revised artwork donation and loan policy was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
13. Approve an ordinance amending the Fiscal Year 2012-2013 Financial Services Department Capital Budget (Ordinance No. 20120910-002) to appropriate \$2,575,000 for the purchase of various equipment, such as emergency-related equipment, vehicles, grounds maintenance equipment, and body armor. Related to Item #14.  
**Ordinance No. 20130321-013 was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
14. Approve a resolution declaring the City of Austin's official intent to reimburse itself from Contractual Obligations in the amount of \$2,575,000 for the purchase of various equipment, such as emergency-related equipment, vehicles, grounds maintenance equipment, and body armor. Related to Item #13.  
**Resolution No. 20130321-014 was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
15. Approve an ordinance authorizing acceptance of \$37,596 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, and amending the Fiscal Year 2012-2013 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$37,596 for programs authorized under the Texas Health and Safety Code: Office of Public Health Practice Program, HIV Surveillance Control Program, Sexually Transmitted Disease Control, Refugee Health Screening Program, Tuberculosis (TB) Prevention and Control Federal Program, TB Prevention and Control State Program, Public Health Emergency Preparedness Program, Immunization Program and Influenza Incidence Surveillance project.  
**Ordinance No. 20130321-015 was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
16. Authorize negotiation and execution of an interlocal agreement for early childhood services with TRAVIS COUNTY for a 12-month term in an amount of \$250,000, for a total contract amount not to exceed \$250,000.  
**The motion authorizing the negotiation and execution of an interlocal agreement for early childhood services with Travis County was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
17. Authorize negotiation and execution of an amendment to the 12-month social service contract with RIVER CITY YOUTH FOUNDATION, for an increase in an amount not to exceed \$73,000, for a total 12-month contract amount not to exceed \$146,000 for the period beginning October 1, 2012 through September 30, 2013, for youth services in the 78744 zip code area.

**The motion authorizing the negotiation and execution of an amendment to the social service contract with River City Youth Foundation was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**

18. Authorize negotiation and execution of a legal services contract with Thompson & Knight, L.L.P. Austin, Texas, for legal services related to the Seaholm redevelopment, in the amount of \$60,000 for a total contract amount not to exceed \$60,000.  
**The motion authorizing the negotiation and execution of a legal services contract with Thompson & Knight L.L.P. was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
19. Authorize the negotiation and execution of all documents and instruments necessary or desirable to purchase approximately 2.005 acres of land in fee simple and to acquire 11,582 square feet of land for an electrical distribution utility easement, 25,255 square feet of land for a water line and access easement, and 16,534 square feet of land for a temporary working space easement, all located at 2801 Montopolis Drive, in Austin, Travis County, Texas, from PRAXAIR DISTRIBUTION INC., for the construction of the Montopolis water reclamation tank and pump station in an amount not to exceed \$283,958.  
**The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase land from Praxair Distribution Inc. was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
20. Approve an exemption under City Code Section 10-6-3(11) to authorize two temporary designated smoking areas at Auditorium Shores on April 19-21, 2013, for the Austin Reggae Festival.  
**The motion to approve an exemption to authorize two temporary designated smoking areas at Auditorium Shores on April 19-21, 2013 was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
21. Approve an exemption under City Code Section 10-6-3(11) to authorize two temporary designated smoking areas at Auditorium Shores on March 29 and 30 2013, for the Urban Music Festival.  
**The motion to approve an exemption to authorize two temporary designated smoking areas at Auditorium Shores on March 29 and 30, 2013 was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**

**Item 22 was pulled to be heard at a time certain of 4:00 p.m.**

23. Authorize award and execution of a 24-month requirements service contract with AMERICAN FACILITY SERVICES, INC., to provide janitorial services at six Austin Water Utility facilities in an estimated amount not to exceed \$582,460, with two 12-month extension options in an estimated amount not to exceed \$291,230, per extension option, for a total estimated contract not to exceed \$1,164,920. (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 American Facility Services, Inc. was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
24. Authorize award and execution of a 24-month requirements supply contract with ELXSI dba as CUES, INC. for Cues repair parts for the Austin Water Utility in an estimated amount not to exceed \$140,000, with two 24-month extension options in an estimated amount not to exceed \$140,000 per extension option, for a total estimated contract amount not to exceed \$420,000. (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 ELXSI doing business as Cues, Inc. was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**

25. Authorize award, negotiation, and execution of a contract with METRO AVIATION, INC. to provide helicopter completion services for the Austin Police Department in an estimated amount not to exceed \$1,178,560. (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 contract with Metro Aviation, Inc. was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 6-1 vote. Council Member Spelman voted nay.**

26. Authorize award and execution of a 36-month requirements supply contract with WHEELED COACH INDUSTRIES for original equipment manufacturer repair parts for Wheeled Coach Ambulances in an estimated amount not to exceed \$270,963, with three 12-month extension options in an estimated amount not to exceed \$99,398 for the first option, \$104,318 for the second option, and \$109,484, for the third option for a total estimated contract amount not to exceed \$584,163. (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 Wheeled Coach Industries was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**

**Item 27 was pulled for discussion.**

28. Authorize award and execution of a 36-month requirements service contract with TIBH INDUSTRIES, INC. to provide landscape maintenance services for the Austin Water Utility Department in an estimated amount not to exceed \$877,728, with three 12-month extension options in an estimated amount not to exceed \$292,576 per option, for a total estimated contract amount not to exceed \$1,755,456. (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 award and execution of a requirements service contract with TIBH Industries, Inc. was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**

29. Authorize award, negotiation, and execution of a 12-month requirements service contract with CORIX UTILITIES, or the other qualified offeror to RFP No. OPJ0103, to provide manual meter reading and other related services for Austin Energy and the Austin Water Utility, in an estimated amount not to exceed \$3,600,000, with four 12-month extension options in an estimated amount not to exceed \$3,600,000 per extension option, for a total estimated contract amount not to exceed \$18,000,000. (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.) Recommended by the Electric Utility Commission.

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

- 30. Authorize award, negotiation, and execution of a 24-month requirements service contract with LANGUAGE & CONTENT SERVICES, or one of the other qualified offerors to RFP No. TVN0019, to provide Spanish translation services in an estimated amount not to exceed \$140,000, with two 12-month extension options in an estimated amount not to exceed \$70,000 per extension option, for a total estimated contract amount not to exceed \$280,000. (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.) Recommended by the Electric Utility Commission.  
**The motion authorizing the award, negotiation and execution of a requirements service contract with Language & Content Services was approved on consent on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.**
  
- 31. Approve issuance of a street event permit under City Code Chapter 14-8 for the Art City Austin Festival, a fee-paid event which is to be held on Saturday, April 13, 2013 from 10:00 a.m. to 6:00 p.m. and Sunday, April 14, 2013 from 11:00 a.m. to 6:00 p.m.  
**The motion to approve the issuance of a street event permit for the Art City Austin Festival was approved on consent on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.**
  
- 32. 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, Council Member Morrison’s second on a 7-0 vote.**

Nominations

Board/Nominee

Nominated by

Commission on Veterans Affairs  
Bill McLellan

Mayor Leffingwell

Community Development Commission  
Brian Walters

Mayor Leffingwell

Waivers

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

- 33. Approve an ordinance waiving additional rental fees 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: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)  
**Ordinance No. 20130321-033 was approved on consent on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.**
  
- 34. Approve an ordinance waiving certain fees for the 15th Annual Mighty Texas Dog Walk which is to be held on Saturday, March 23, 2013, at Auditorium Shores. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell CO 2: Council Member Laura Morrison)  
**Ordinance No. 20130321-034 was approved on consent on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.**

**Items 35 and 36 were pulled for discussion.**

37. Approve an ordinance encouraging support of the Lemonade Day Austin 2013 event on Sunday, May 5, 2013 taking place City-wide, waiving the requirement and fees for a temporary food permit under City Code Chapter 10-3 and waiving the requirement and fees for a license agreement under City Code Chapter 14-11. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)  
**Ordinance No. 20130321-037 was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
38. Approve an ordinance waiving certain fees for the HONK!TX event which is to be held March 22 - 24, 2013 at the Adams-Hemphill and Pan Am Parks; and declaring an emergency. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)  
**Ordinance No. 20130321-038 was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
39. Approve an ordinance reimbursing certain fees for the Saving America's Black Boys Solutions Summit National Campaign launch sponsored by the Portland Development Commission which was held Tuesday, March 5, 2013, at the George Washington Carver Museum and Cultural Center. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Kathie Tovo CO 2: Mayor Lee Leffingwell)  
**Ordinance No. 20130321-039 was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**

**Items 40 and 41 were pulled for discussion.**

42. Approve a resolution supporting HJR 138 and HB 3348, allowing for a local-option flat-tax exemption to ad valorem taxes by local governments, and directing the City Manager to add support of HJR 138 and HB 3348 to the City's legislative agenda. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez)  
**Resolution No. 20130321-042 was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
43. Approve an ordinance amending City Code Section 2-1-164 relating to the Municipal Civil Service Commission. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Laura Morrison CO 2: Council Member William Spelman)  
**Ordinance No. 20130321-043 was approved on consent on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
44. Approve a resolution initiating a City Code amendment to codify the downtown density bonus program as related to the central urban redevelopment (CURE) combining district, directing the manager to process the amendment, and establishing the policy that the City Council will use the adopted Downtown Austin Plan bonus program as guiding principles to review future CURE zoning requests when exercising its discretionary zoning authority. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison)  
**This item was postponed on consent to March 28, 2013 on Council Member Martinez' motion, Council Member Morrison's second on a 7-0 vote.**
45. Approve a resolution amending the City's legislative agenda to support reinstating pre-2012 funding levels for Women's Preventive Health and Family Planning Services and to endorse the inclusion of unbiased, scientifically founded information in the Women's Right to Know pamphlet published by the Texas Department of State Health Services. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Mayor Pro Tem Sheryl Cole)

**Resolution No. 20130321-045 was approved on consent on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.**

- 46. Approve a resolution supporting land grants for Austin's downtown historic squares and amending the City's Legislative Agenda to reflect that support. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley)

**Resolution No. 20130321-046 was approved on consent on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.**

- 47. Approve a resolution amending the City's legislative agenda to support reinstating prior years funding levels for local air quality programs and redistributing inspection and maintenance funds to counties based on the program's intended purpose. (Notes: SPONSOR: Council Member Chris Riley CO 1: Council Member Kathie Tovo CO 2: Council Member William Spelman)

**Resolution No. 20130321-047 was approved on consent on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.**

- 48. Set a public hearing to consider an ordinance regarding floodplain variances to demolish the existing single-family house at 4515 Speedway and construct a new two story duplex. This request is made by the owner of the property, which is partially in the 25-year floodplain and entirely in the 100-year floodplain of Waller Creek. (Suggested date and time: March 28, 2013, 4:00 p.m., at Austin City Hall, 301 West Second Street, Austin, TX)

**The public hearing was set on consent for March 28, 2013 at 4:00 p.m. at City Hall, 301 West Second Street, Austin, TX on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.**

Items 49 and 50 were action items with closed public hearings

Items 51 and 52 were briefing items set for 10:30 a.m.

Items 53 through 56 were Executive Session items.

Items 57 through 64 were zoning items set for 2:00 p.m.

Items 65 through 70 were public hearing items set for 4:00 p.m.

**ACTION ON ITEMS WITH CLOSED PUBLIC HEARINGS**

- 49. 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.

**The motion to approve the ordinance was made by Council Member Spelman and seconded by Mayor Pro Tem Cole.**

**There was a friendly amendment made by Council Member Riley to have part 5 and 6 read as follows. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.**

**“Part 5 (A)(4) except for off-site accessory parking in the central business district (CBD) and downtown mixed use (DMU) zoning districts.”**

**“Part 6 (C) The maximum number of parking spaces allowed under Subsection (B)(3) of this section:**

- (1) Shall be increased by the director if all parking spaces are contained in a parking structure and the total number of parking spaces to be provided is less than 110% of the number of**

- parking spaces established in Appendix A (Tables of Off-Street Parking and Loading Requirements);
- (2) May be increased by the director if all parking spaces are contained in a parking structure and the total number of parking spaces to be provided is greater than 110% of the number of parking spaces established in Appendix A (Tables of Off-Street Parking and Loading Requirements);
  - (3) May be increased by the Land Use Commission if the criteria in Section 25-6-501 (D)(Off-Site Parking Allowed) are satisfied.”

There was a friendly amendment made by Council Member Morrison to have Part 6(B)(2) read, “Off-street motor vehicle parking for persons with disabilities must be provided for a use that occupies 6,000 square feet or more of floor space under the requirements of this subsection, regardless of whether any other parking is provided on the site.” The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

There was a friendly amendment made by Council Member Riley to approve the item on second reading only. The amendment was accepted by the maker of the motion and Mayor Pro Tem Cole, who made the second.

Direction was given to staff by Council Member Morrison to provide a potential amendment to Council to capture “if the amount of required parking provided is between 0% to 20% a minimum amount of 20% would automatically be provided for disabled parking.”

There was an amendment made by Council Member Morrison and second by Council Member Tovo to have Part 7, Section 25-6-592(C)(2) read, “A vehicle may not park in the alley for loading and unloading.” The amendment failed on a vote of 2-5. Those voting aye were: Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman.

Direction was given to staff by Council Member Tovo to draft language for Part 7, Section 25-6-592(C)(2) to create a sunset period for Council to evaluate on third reading.

The second reading of the ordinance with the friendly amendments and direction listed above was approved on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.

### DISCUSSION ITEMS

35. Approve a resolution directing the City Manager to negotiate and execute a five year contract with RunTex Foundation to produce the Trail of Lights. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley CO 2: Council Member Kathie Tovo)  
**Resolution No. 20130321-035 was approved on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.**

### ACTION ON ITEMS WITH CLOSED PUBLIC HEARINGS CONTINUED

50. Approve third reading of an ordinance renewing a non-emergency transfer franchise to American Medical Response of Texas, Inc. under City Code Chapter 10-2. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON JANUARY 17, 2013.  
**Ordinance No. 20130321-050 was approved on Council Member Spelman’s motion, Council Member Martinez’ second on a 7-0 vote.**

### MORNING BRIEFINGS

- 51. Briefing on Parking Reduction Incentive Pilot Program.  
**The presentation was made by George Zapalac, Development Services Manager, Planning and Development Review Department.**
- 52. Briefing on Air Quality Program Recommendations.  
**The presentation was made by Robert Spillar, Transportation Director and Pharr Andrews, Environmental Program Coordinator for Austin Transportation Department.**

**DISCUSSION ITEMS CONTINUED**

- 36. Approve execution of an amendment to the CAMPO Joint Powers Agreement relating to organization and voting membership. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley CO 2: Mayor Pro Tem Sheryl Cole)  
**The motion authorizing the execution of an amendment to the CAMPO Joint Powers Agreement was approved on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 6-1 vote. Council Member Riley voted nay.**

**CITIZEN COMMUNICATIONS: GENERAL**

Karen Hadden - No unelected Board for Austin Energy.

John Mayes - I would like to bring to your attention a development application processing issue for residential property at 3715 Westlake Dr.

David Cancialosi - 3715 Westlake Dr. development application processing issue.

Kaiba White - Austin Energy Governance.

Lauren Ross - The proposal to create an independant board for Austin Energy.

Carol Biedrzycki - Unelected Austin Energy Board Disenfranchises Citizen-Owners.

James Casey - Keep Austin Energy accountable.

Amanda Haas - Utility governance. **Not present when name was called.**

Alice Canestaro-Garcia - Utility Governance.

Ben Ogbodiogwu - Samsco funding cut by the COA.

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:37 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.**

- 53. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071).  
**This item was withdrawn.**

54. Discuss legal issues related to the November 6, 2012 election (Private consultation with legal counsel - Section 551.071).
55. Discuss legal issues related to Cause No. D-1-GN-13-000688; Texas Retailers Association v. City of Austin; in the District Court of Travis County, 53rd Judicial District (Private consultation with legal counsel - Section 551.071).
56. Discuss legal issues related to Ordinance No. 20110629-003 and White Lodging Services Corporation's development of J.W. Marriot Hotel (Private consultation with legal counsel - Section 551.071).

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:52 p.m.**

### **ZONING CONSENT ITEMS**

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

57. NPA-2011-0025.03 - 7401 West U.S. 290 Hwy (Oak Hill Heights Commercial) - Approve second/third readings of an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Austin Imagine Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 7401 West U.S. 290 Highway (Williamson Creek Watershed-Barton Creek Zone) from Office use to Commercial use. On February 9, 2012, City Council approved first reading to change the future land use map to Commercial use. Vote: 4-3, Council Members Morrison, Riley and Tovo voted nay. Owner/Applicant: Jimmy Nassour. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Maureen Meredith, 974-2695.  
**Ordinance No. 20130321-057 to change the land use designation on the future land use map (FLUM) to Commercial use was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.**
58. C14-2011-0146 - Oak Hill Heights Commercial - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7401 West U.S. 290 Highway (Williamson Creek Watershed-Barton Springs Zone) from limited office-neighborhood plan (LO-NP) combining district zoning to neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning, as amended. First Reading approved for community commercial-neighborhood plan (GR-CO-NP) combining district zoning on February 9, 2012. Vote: 4-3, Council Members Morrison, Riley and Tovo voted nay. Owner/Applicant: Jimmy Nassour. Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 974-7719.  
**Ordinance No. 20130321-058 for neighborhood commercial-conditional overlay-neighborhood plan (LR-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.**
59. C14-2012-0146.SH - 1044 Norwood Park Blvd. - Approve second/third readings of 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-conditional overlay-neighborhood plan (CH-CO-NP) combining district zoning. First reading approved on March 7, 2013. Vote: 7-0. Owner: DBSI Village at Norwood, LLC (Conrad Myers). Agent: Conley Engineering, Inc. (Carl Conley). City Staff: Heather Chaffin, 974-2122.  
**This item was postponed on consent to March 28, 2013 at the staff's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.**
60. 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 April 11, 2013 at the applicant's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.**

61. 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 April 11, 2013 at the applicant's request on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.**

62. 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.

**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 Spelman's motion, Council Member Martinez' second on a 7-0 vote.**

63. 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.

**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 Spelman's motion, Council Member Martinez' second on a 7-0 vote.**

64. C14-2012-0158 - 7311 Decker Lane - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7311 Decker Lane (Elm Creek Watershed) from multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning and community commercial (GR) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Owner: SAFA Trading Establishment, Inc. (Adam Ahmad). Agent: Land Strategies, Inc. (Paul W. Linehan). City Staff: Heather Chaffin, 974-2122.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130321-064 for general commercial services-conditional overlay (CS-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.**

#### **DISCUSSION ITEMS CONTINUED**

40. Approve a resolution directing the City Manager to provide options and a proposed timeframe for conducting a preliminary study of downtown alleys and stating the policy that the Council shall refrain

from amending the City Code regarding downtown alleys and shall carefully consider alley vacations until the study has been completed and reviewed. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison)

**Resolution No. 20130321-040 was approved on Council Member Tovo's motion, Council Member Morrison's second on a 6-1 vote. Mayor Leffingwell voted nay.**

**There was a friendly amendment made by Council Member Spelman to include the following wording in the second Be it Further Resolved of the resolution. The language should read, "shall carefully consider any future alley vacations." The amendment was accepted by the maker of the motion and Council Member Morrison, who made the second.**

27. Authorize award and execution of a contract through the Texas Multiple Award Schedule with SWCA ENVIRONMENTAL CONSULTANTS for the purchase of services to survey and inventory golden-cheeked warbler and black-capped vireo birds for Austin Water Utility in an amount not-to-exceed \$105,380. (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 contract through the Texas Multiple Award Schedule with SWCA Environmental Consultants was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Tovo voted nay.**
10. Authorize negotiation and execution of a professional services agreement with CLARION ASSOC OF COLORADO LLC dba CLARION ASSOCIATES, or one of the other qualified responders to Comprehensive Land Development Code Revision for the City of Austin Solicitation No. CLMP122, to provide professional land development revision planning and engineering services in an amount not to exceed \$ 2,000,000. (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 18.80% MBE and 15.80% WBE subcontractor participation.)  
**The motion authorizing the negotiation and execution of a professional services agreement with Opticos Design, Inc. was approved on Council Member Riley's motion, Council Member Martinez' second on a 7-0 vote.**

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

67. Conduct a public hearing and consider an ordinance amending various sections of City Code Chapter 25 to clarify definitions, standards, and regulations related to bicycle parking.  
**This item was withdrawn without objection.**
68. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 relating to the issuance of temporary use permits for outdoor assembly.  
**This item was postponed to April 25, 2013 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

#### **DISCUSSION ITEMS CONTINUED**

41. Approve a resolution directing the City Manager to prepare a comparative report evaluating the performance of both Texas and national public utilities that are governed in whole or in part by an independent board, both individually and with respect to Austin Energy's performance and policy goals. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member Laura Morrison CO2: Mayor Pro Tem Sheryl Cole)  
**Resolution No. 20130321-041 was approved on Council Member Morrison's motion, Council Member Tovo's second on a 7-0 vote.**

**PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED**

- 65. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-9, Article 1, Division 2 relating to water and wastewater service extension requests and cost participation in construction costs.  
**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130321-065 was approved on Council Member Morrison’s motion, Council Member Martinez’ second on a 7-0 vote.**
- 66. Conduct a public hearing and consider an ordinance amending City Code Chapter 15-11 relating to private laterals.  
**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20130321-066 was approved on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.**
- 69. Conduct a public hearing and consider an appeal by Sarah Crocker of the Zoning and Platting Commission's decision to deny a request for the one-year extension of a site plan for Wells Branch Commercial [SP-2007-0688C(XT)], located at 1205 W. Wells Branch Parkway.  
**The public hearing was conducted and the motion to close the public hearing and deny the appeal was approved on Council Member Tovo’s motion, Council Member Morrison’s second on a 7-0 vote.**
- 70. Conduct a public hearing for the limited purpose annexation of the Estancia annexation area (approximately 600 acres in southern Travis County west of IH 35 South approximately eight tenths of a mile south of the intersection of IH 35 South and Onion Creek Parkway).  
**The public hearing was conducted and the motion to close the public hearing was approved on Council Member Riley’s motion, Council Member Spelman’s second on a 6-0 vote. Council Member Martinez was off the dais.**

**Mayor Leffingwell recessed the Council Meeting to go into Live Music and Proclamation at 5:22 p.m.**

**Live Music**

Susan Arbuckle

**PROCLAMATIONS**

Proclamation -- Ron Oliviera Farewell -- to be presented by Council Member Mike Martinez and to be accepted by the honoree

Proclamation -- Safe Digging Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Doug Meeks

Distinguished Service Award -- Rose Farmer, BCCP -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- 100th Anniversary of Rotary -- to be presented by Mayor Lee Leffingwell and to be accepted by Sherry Workman

Presentation to Council -- to be presented by Austin Youth Council and to be accepted by Mayor Lee Leffingwell

Proclamation -- World Water Day -- to be presented by Council Member and to be accepted by Jean Warneke

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

**The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 7-0 vote.**

**DISCUSSION ITEMS CONTINUED**

22. Approve an ordinance amending City Code Chapter 25-1 relating to project duration and project dormancy, initiating code amendments to Chapter 25-1 relating to vested rights applications, and declaring an emergency.

**This item was postponed to March 28, 2013 with the following friendly amendment and direction on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-1 vote. Mayor Leffingwell voted nay.**

**Direction was given to staff to take a sample of projects considered to be dead on duration grounds, identify what percentage of them might be considered to be live on dormancy grounds, identify the classes on these and then identify by what restrictions the projects would not be bound to as a result of their zombie status. During the sampling get the ones that are significantly out of compliance with the current code.**

**Mayor Leffingwell made a friendly amendment to close the public comment period. The friendly amendment was accepted by the maker and Council Member Spelman who made the second.**

**Mayor Leffingwell adjourned the meeting at 11:15 p.m. without objection.**

**The minutes were approved on this the 28th day of March 2013 on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**