

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, MARCH 28, 2013**

Invocation: Rev. Dr. Tina Carter, Senior Pastor, Parker Lane United Methodist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, March 28, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:04 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 19, 2013 and regular meeting of March 21, 2013.
The minutes from the City Council work session of March 19, 2013 and regular meeting of March 21, 2013 were approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
2. Authorize negotiation and execution of an agreement with Pflugerville Independent School District to provide a performance-based incentive for the generation of solar energy at Connally High School located at 13212 N. Lamar, Austin, Texas 78753, in an estimated amount of \$25,960 per year, for a total contract amount not to exceed \$259,600 over a 10-year period.
The motion authorizing the negotiation and execution of an agreement with Pflugerville Independent School District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
3. Authorize negotiation and execution of an agreement with Pflugerville Independent School District to provide a performance-based incentive for the generation of solar energy at Copperfield Elementary School located at 12135 Thompkins Drive, Austin, Texas 78753, in an estimated amount of \$26,325 per year, for a total contract amount not to exceed \$263,250 over a 10-year period.
The motion authorizing the negotiation and execution of an agreement with Pflugerville Independent School District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
4. Authorize negotiation and execution of an agreement with Pflugerville Independent School District to provide a performance-based incentive for the generation of solar energy at Delco Primary School located at 12900-A Dessau Road, Austin, Texas 78754, in an estimated amount of \$36,824 per year, for a total contract amount not to exceed \$368,240 over a 10-year period.

The motion authorizing the negotiation and execution of an agreement with Pflugerville Independent School District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

5. Authorize negotiation and execution of an agreement with Pflugerville Independent School District to provide a performance-based incentive for the generation of solar energy at Dessau Elementary School located at 1501 Dessau Ridge Lane, Austin, Texas 78754, in an estimated amount of \$41,897 per year, for a total contract amount not to exceed \$418,970 over a 10-year period.

The motion authorizing the negotiation and execution of an agreement with Pflugerville Independent School District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

6. Authorize negotiation and execution of an agreement with Pflugerville Independent School District to provide a performance-based incentive for the generation of solar energy at Dessau Middle School located at 12900 Dessau Road, Austin, Texas 78754, in an estimated amount of \$26,217 per year, for a total contract amount not to exceed \$262,170 over a 10-year period.

The motion authorizing the negotiation and execution of an agreement with Pflugerville Independent School District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

7. Authorize negotiation and execution of an agreement with Pflugerville Independent School District to provide a performance-based incentive for the generation of solar energy at Parmer Lane Elementary School located at 1806 Parmer Lane, Austin, Texas 78727, in an estimated amount of \$26,107 per year, for a total contract amount not to exceed \$261,070 over a 10-year period.

The motion authorizing the negotiation and execution of an agreement with Pflugerville Independent School District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

8. Authorize negotiation and execution of an agreement with Pflugerville Independent School District to provide a performance-based incentive for the generation of solar energy at River Oaks Elementary School located at 12401 Scofield Farms Drive, Austin, Texas 78758, in an estimated amount of \$43,040 per year, for a total contract amount not to exceed \$430,400 over a 10-year period.

The motion authorizing the negotiation and execution of an agreement with Pflugerville Independent School District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

9. Authorize negotiation and execution of an agreement with Pflugerville Independent School District to provide a performance-based incentive for the generation of solar energy at Ruth Barron Elementary School located at 14850 Harris Ridge Blvd., Pflugerville, Texas 78660, in an estimated amount of \$47,075 per year, for a total contract amount not to exceed \$470,750 over a 10-year period.

The motion authorizing the negotiation and execution of an agreement with Pflugerville Independent School District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

10. Authorize negotiation and execution of an agreement with Pflugerville Independent School District to provide a performance-based incentive for the generation of solar energy at their Support Services facility located at 2021 Crystal Bend, Pflugerville, Texas 78660, in an estimated amount of \$48,061 per year, for a total contract amount not to exceed \$480,610 over a 10-year period.

The motion authorizing the negotiation and execution of an agreement with Pflugerville Independent School District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

11. Authorize negotiation and execution of an agreement with Pflugerville Independent School District to provide a performance-based incentive for the generation of solar energy at Weiland Elementary School located at 900 Tudor House Road, Pflugerville, Texas 78660, in an estimated amount of \$42,483 per year, for a total contract amount not to exceed \$424,830 over a 10-year period.
The motion authorizing the negotiation and execution of an agreement with Pflugerville Independent School District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
12. Authorize negotiation and execution of an agreement with Pflugerville Independent School District to provide a performance-based incentive for the generation of solar energy at Westview Middle School located at 1805 Scofield Lane in Pflugerville, Texas 78727, in an estimated amount of \$36,202 per year, for a total contract amount not to exceed \$362,020 over a 10-year period.
The motion authorizing the negotiation and execution of an agreement with Pflugerville Independent School District was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 13 was pulled for discussion.

14. Approve an ordinance authorizing acceptance of \$5,700 in grant funds from the Dell Children's Medical Center Injury Prevention Fund, and amending the Fiscal Year 2012-2013 Emergency Medical Services Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$5,700 for supplies related to the Emergency Medical Services Child Passenger Safety Seat Program.
Ordinance No. 20130328-014 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
15. 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.
Ordinance No. 20130328-015 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
16. Approve a resolution consenting to special legislation that would create the Onion Creek Metro Park District, consisting of approximately 700 acres of land located east of IH 35 south of Nuckols Crossing Road, conditioned upon the inclusion of certain provisions in the legislation creating the district.
Resolution No. 20130328-016 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 17 was pulled for discussion.

Items 18 and 19 were pulled to be heard after the related Executive Session item.

20. Authorize negotiation and execution of an interlocal agreement in the form of a Memorandum of Understanding between the City through its Police Department, the Texas Department of Transportation through its Toll Operations Division, the Central Texas Regional Mobility Authority, and the Texas Department of Public Safety through its Texas Highway Patrol Division to adopt procedures for diversion of traffic from non-tolled highway facilities to tolled highway facilities during major traffic incidents.
The motion authorizing the negotiation and execution of an interlocal agreement in a form of a memorandum of understanding between the City through its Police Department, the Texas Department of Transportation through its Toll Operations Division, the Central Texas Regional Mobility Authority and the Texas Department of Public Safety through its Texas Highway Patrol Divisions was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

21. Approve an ordinance establishing classifications and positions in the classified service of the Austin Police Department; creating and eliminating certain positions; establishing pay rates; and repealing Ordinance No. 20120910-005 relating to police department classifications and positions.
Ordinance No. 20130328-021 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
22. 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 design and the construction of a bicycle and pedestrian promenade adjacent to Sabine Street from 4th to 7th Streets; amending the Fiscal Year 2012-2013 Public Works Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to accept funds from the Texas Department of Transportation in the amount of \$2,736,000; and amending the Public Works Capital Budget (Ordinance No. 20120910-002) to transfer in and appropriate \$2,736,000 from the Public Works Department Operating Budget Special Revenue Fund for design and construction of this project.
Ordinance No. 20130328-022 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
23. Authorize award and execution of a professional services contract with the NATIONAL INSTITUTE OF GOVERNMENTAL PROCUREMENT, INC. (NIGP), to document, review and assess the City of Austin's procurement related functions and provide written recommendations for improvements and enhancements, in an amount not to exceed \$170,400. (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 and execution of a professional services contract with the National Institute of Governmental Procurement, Inc. (NIGP) was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
24. Approve ratification of a contract with KOBELCO COMPRESSORS AMERICA, INC. for the repair of two lube oil heat exchangers for the LM6000 natural gas compressors at Austin Energy's Sand Hill Energy Center in an amount not to exceed \$221,900. (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 contract.)
The motion to ratify a contract with Kobelco Compressors America, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 25 was pulled for discussion.

26. Approve an ordinance amending City Code Chapter 15-7 relating to the use of city-owned utility infrastructure.
Ordinance No. 20130328-026 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
27. Approve a resolution authorizing issuance by Northtown Municipal Utility District of Unlimited Tax and Revenue Refunding Bonds, Series 2013, in a principal amount not to exceed \$4,180,000; and approving a substantial draft of the District's Bond Resolution and Preliminary Official Statement.
Resolution No. 20130328-027 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
28. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

The following appointments were approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Nominations

Board/Nominee

Nominated by

Commission on Veterans Affairs

John Conley
Cassandra St. John

Mayor Pro Tem Cole
Council Member Spelman

Downtown Commission

Sunshine Mathon

Council Member Tovo

Sustainable Food Policy Board

Melanie McAfee

Mayor Pro Tem Cole

29. Approve the waiver of closure notice and deadline requirements which allow objections to the closure of right-of-way and the waiver of certain fees under City Code Chapter 14-8 for the 20 ft Wide Event which is to be held April 13 - 21, 2013, in the alley between Congress Avenue, Brazos Street, 9th Street, and 10th Street. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Chris Riley)

The motion to approve the waiver of closure notice and deadline requirements was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

30. Approve a resolution authorizing an amendment to the interlocal agreement between the City and the University of Texas relating to the assignment of AmericCorp VISTA members to include the assignment of one additional member to the George Washington Carver Museum and Cultural Center. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Mike Martinez CO 2: Council Member Laura Morrison)

Resolution No. 20130328-030 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 31 was pulled for discussion.

32. Approve an ordinance amending City Code Chapter 25-5 relating to site plan exemptions for townhouse development within certain planned developments; and waiving Section 25-1-502. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)
- Ordinance No. 20130328-032 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

33. Approve the waiver of certain closure notice requirements that allow affected individuals and neighborhood associations to object to street closure under City Code Chapter 14-8 for the Art City Austin Festival, which is a fee-paid event that will be held on Saturday, April 13, 2013 and Sunday, April 14, 2013. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)

The motion to approve the waiver of certain closure notice requirements was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

34. Set a public hearing to receive citizen input on the community's needs for the development of the City's Fiscal Year 2013-2014 Action Plan and the Community Development 2013-2014 Program, as required by the U.S. Department of Housing and Urban Development and the Texas Local Government Code Chapter

373. (Suggested date and time: April 11, 2013, 4:00 p.m., at Austin City Hall, 301 West Second Street, Austin, TX).

The public hearing was set on consent for April 11, 2013 at 4:00 p.m. at City Hall, 301 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

35. Set a public hearing to consider an ordinance amending City Code Chapter 25-2, to make "Indoor Entertainment" a conditional use in the TOD Mixed Use zoning category. (Suggested date and time: April 11, 2013, at 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 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

36. Set a public hearing to consider an ordinance amending City Code Chapter 25-2, to make clarifications, revisions, updates, and additions to Subchapter E, as related to design standards and mixed use. (Suggested date and time: April 25, 2013, at 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for April 25, 2013 at 4:00 p.m. at City Hall, 301 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

37. Set a public hearing to consider an ordinance amending City Code Chapter 25-2 to readopt the conservation single-family residential use. (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 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

38. Set a public hearing to consider an ordinance amending City Code Chapter 25-2, Subchapter F, relating to maximum allowable ceiling height. (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 West Second Street, Austin, TX on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

58. Approve an ordinance waiving certain fees and requirements for the Children's Picnic and Real Food Fair sponsored by Edible Austin which is to be held on Sunday, April 7, 2013 at the George Washington Carver Museum and Cultural Center and French Legation Museum. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Laura Morrison)

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130328-058 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

59. Approve a resolution naming the police substation facility located at 12425 Lamplight Village Avenue as the "Jaime Padron Police Station. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez)

The public hearing was conducted and the motion to close the public hearing and adopt Resolution No. 20130328-059 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Item 39 was an Eminent Domain item.

Items 40 through 44 were Action Items with Closed Public Hearings.

Items 45 and 46 were briefing items set for 10:30 a.m.

Items 47 through 49 were Executive Session items

Items 50 through 54 were zoning items set for 2:00 p.m.

Items 55 through 57 were public hearing items set for 4:00 p.m.

Items 58 and 59 were addendums.

DISCUSSION ITEMS

13. Approve issuance of a rebate to Sravanthi Limited Partnership for performing comprehensive energy efficiency upgrades at Whisper Hollow Apartments located at 3300 Parker Lane, Austin, Texas, 78741 in an amount not to exceed \$134,000.

The motion to approve the issuance of a rebate to Sravanthi Limited Partnership was approved on Council Member Tovo's motion, Council Member Martinez' second on a 7-0 vote.

17. Approve an ordinance establishing a pilot program to reduce parking requirements for commercial businesses utilizing trip-reduction strategies and to waive the requirements of City Code Chapter 25-6 (Transportation).

Ordinance No. 20130328-017 with the following amendment and friendly amendments was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.

The amendment to part 4, paragraph (B) should read:

- (1) Number of participants;**
- (2) Total number of employees/customers;**
- (3) Rate of participation in each incentive;**
- (4) Motor vehicle trips eliminated;**
- (5) Parking spaces eliminated;**
- (6) Customer or public complaints to owner and to City; [renumber from existing #5]**
- (7) Baseline number of Residential Permit Parking areas with subsequent requests for creation of Residential Permit Parking areas; and**
- (8) Whether the program should be extended or adopted as an amendment to Chapter 25-6 (Transportation). [renumber from existing #6]**

There was a friendly amendment made by Council Member Spelman to have part 4, paragraph (B)(4) listed above amended to read, "estimated motor vehicle trips and vehicle miles traveled eliminated." The amendment was accepted by the maker of the motion and Council Member Spelman, who made the second.

There was a friendly amendment made by Council Member Riley to have part 4, paragraph (B)(7) listed above amended to read, "Baseline number of Residential Permit Parking areas, subsequent requests for creation of Residential Permit Parking areas, and number of requests approved." The amendment was accepted by the maker of the motion and Council Member Spelman, who made the second.

25. Authorize award, negotiation, and execution of a 120-day requirements service contract with INTERMENT SERVICES, INC., for interment and burial services at five municipal cemeteries in an amount not to exceed \$250,000. (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). This

is an emergency service contract, therefore, it is exempt under Chapter 252 of the Texas Local Government Code and no goals were established for this contract.)

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

EMINENT DOMAIN

39. Approve a resolution authorizing the filing of eminent domain proceedings for the North Acres Final Conveyance Project for 36,300 total square feet of land for three permanent wastewater line easements and 9,257 total square feet of land for three temporary work space easements, all being out of the J. Applegait Survey No. 58, Abstract No. 29 and the J.O. Rice Survey No. 31, Abstract No. 675, Travis County, Texas, being a portion of Lot 41, Block A, Collinwood West, Section II-C, a Planned Unit Development, of Record in Volume 102, Page 115 of the Plat Records of Travis County, Texas, conveyed to the Collinwood West PUD Homeowner's Association, Inc., in a Special Warranty Deed executed on June 28, 2000, and recorded in Document No. 2000104617 of the Official Public Records of Travis County, Texas, in the amount of \$4,810. The owner of the needed property interest is COLLINWOOD WEST PUD HOMEOWNERS ASSOCIATION, INC., A TEXAS NON-PROFIT CORPORATION. The property is located along the south and west sides of Stephanie Lee Lane and Claywood Drive, in Austin, Travis County, Texas. The general route covered by this project is along Polecat Creek, west of Dessau Road.

Resolution No. 20130328-039 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS - PER CITY CODE SECTION 2-5-27, ADDITIONAL SPEAKERS WILL NOT BE REGISTERED

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

This item was postponed to April 25, 2013 without objection.

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

This item was postponed to April 25, 2013 without objection.

42. C14-2012-0111a - East Riverside Corridor Regulating Plan (East Riverside Neighborhood Planning Area) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 13 tracts (approximately 228 acres) within the East Riverside Corridor Regulating Plan boundaries, on property in the East Riverside Neighborhood Planning Area located along or in proximity to East Riverside Drive, between IH-35 on the west and Pleasant Valley Road on the east (Harper's Branch Watershed, Town Lake Watershed, Country Club West Creek Watershed) from unzoned, rural residence-neighborhood plan (RR-NP) combining district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-low density-conditional overlay-neighborhood plan (MF-2-CO-NP) combining district zoning, multi-family residence-medium density (MF-3) district zoning, multi-family residence-medium density-conditional overlay (MF-3-CO) combining district zoning, multi-family residence-medium density-neighborhood plan (MF-3-NP) combining district zoning, multi-family residence-moderate-high density (MF-4) district zoning, multi-family residence-moderate-high density-conditional overlay-neighborhood plan (MF-4-CO-NP) combining district zoning, multi-family residence-highest density-conditional overlay-neighborhood plan (MF-6-CONP) combining district zoning, limited office-neighborhood plan (LO-NP) combining district zoning, limited office-conditional overlay-neighborhood plan (LO-CO-NP) combining district zoning, limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district zoning, general office-neighborhood plan (GO-NP) combining district zoning, general office-conditional overlay-neighborhood plan (GO-CO-NP) combining district zoning, general office-mixed-use-conditional overlay-neighborhood plan (GO-MU-CO-NP) combining district zoning, neighborhood commercial-neighborhood plan (LR-NP) combining district zoning, neighborhood commercial-vertical mixed use building-conditional overlay-neighborhood plan (LR-V-CO-NP) combining district zoning, community commercial (GR) district zoning, community commercial-conditional overlay (GR-CO) combining district zoning, community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning, community commercial-neighborhood plan (GR-NP) combining district zoning, community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning, community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning, warehouse/limited office-conditional overlay-neighborhood plan (W/LO-CO-NP) combining district zoning, general commercial services(CS) district zoning, general commercial services-conditional overlay (CS-CO) combining district zoning, general commercial services-neighborhood plan (CS-NP) combining district zoning, general commercial services-mixed-use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning, commercial-liquor sales (CS-1) district zoning, commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning, commercial-liquor sales-mixed-use-conditional overlay-neighborhood plan (CS-1-MU-CO-NP) combining district zoning, and lake commercial-conditional overlay-neighborhood plan (L-CO-NP) combining district zoning to East Riverside Corridor (ERC) district zoning. The proposed zoning changes will implement the land use recommendations of the adopted East Riverside Corridor (ERC) Master Plan. First Reading approved on March 7, 2013. Applicant and Agent: Planning and Development Review Department. City Staff: Erica Leak, 974-2856. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012.
- This item was postponed to April 25, 2013 without objection.**
43. C14-2012-0111b - East Riverside Corridor Regulating Plan (Pleasant Valley Neighborhood Planning Area) - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning 14 tracts (approximately 365 acres) within the East Riverside Corridor Regulating Plan boundaries, on property in the Pleasant Valley Neighborhood Planning Area located along or in proximity to East Riverside Drive, between Pleasant Valley Road on the west and Grove Boulevard on the east (Country Club East Creek Watershed, Country Club West Creek Watershed) from rural residence (RR) district zoning, rural residence-neighborhood plan (RR-NP) combining district zoning, single family residence-large lot-neighborhood plan (SF-1-NP) combining district zoning, single family residence-standard lot-neighborhood plan (SF-2-NP) combining district zoning, family residence-neighborhood plan (SF-3-NP) combining district zoning, multi-family residence-low density (MF-2) district zoning, multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning, multi-family residence-low density-neighborhood plan (MF-2-NP) combining district zoning, multi-family

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

This item was postponed to April 25, 2013 without objection.

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

This item was postponed to April 25, 2013 without objection.

BRIEFINGS

45. Staff presentation on the Barton Springs General Grounds Improvements Project.
The presentation was made by Kimberly McNeeley, Assistant Director, Parks and Recreation Department and Blayne Stansberry, Stansberry Engineering.

Mayor Pro Tem Cole recessed the Council Meeting at 11:58 a.m.

Mayor Pro Tem Cole called the Council Meeting back to order at 12:04 p.m.

CITIZEN COMMUNICATIONS: GENERAL

Paul Robbins - City issues

Ronnie Reefersseed - Peace, Liberty, fluoride, etc.

Matt McClure - Certifying The Yoga Boat as a new business

Gavino Fernandez, Jr. - Pre 4th of July Parade Saturday, June 29, 10 a.m. IBC Bank Cesar Chavez St. to Fiesta Gardens and join the Cristo Rey Jamaica in honor of all Veterans

John Beall - In support of Barton Springs grounds improvements

Thomas Weber - Barton Springs Pool Master Plan Improvements

Robin Cravey - Barton Springs Pool improvements

Chris Anderson - Housing

Rick Luna - Light pole damaged my car

Gary Beyer - Grounds Improvement Project for Barton Springs Pool

BRIEFINGS CONTINUED

46. Staff presentation regarding an economic impact analysis of urban agriculture and Austin food sectors pursuant to Resolution 20120802-072.
The presentation was made by Kevin Johns, Director and Margaret Shaw of Economic Growth and Redevelopment Services; and Jon Hockenyos, President, TXP.

Mayor Pro Tem Cole recessed the Council Meeting to go into Executive Session at 1:24 p.m.

EXECUTIVE SESSION

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

Mayor Pro Tem Cole announced that Council would discuss items number 18 and 19 on the regular agenda during Executive Session.

47. Discuss legal issues related to Open Government matters (Private consultation with legal counsel-Section 551.071).
This item was withdrawn.
48. Discuss legal issues related to the November 6, 2012 election (Private consultation with legal counsel - Section 551.071).
This item was withdrawn.
49. Discuss legal issues related to Austin Fire Department cadet hiring processes (private consultation with legal counsel - Section 551.071).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 5:21 p.m.

ZONING CONSENT ITEMS (HEARINGS CLOSED)

Items 50 through 57 were acted on by one motion. No separate action occurred on any of the items.

50. C14-2012-0145 - 2111 Fort View Road - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2111 Fort View Road (Williamson Creek Watershed) from family residence (SF-3) district zoning to neighborhood office-mixed use-conditional overlay (NO-MU-CO) combining district zoning, with conditions. First reading approved on March 7, 2013. Vote: 7-0. Owner: Eveann Investments, LP (William G. Franklin). Applicant: One Management, Inc. (Howard P. Kells). City Staff: Lee Heckman, 974-7604.
This item was postponed to April 11, 2013 at the staff's request was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
51. 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.
Ordinance 20130328-051 for commercial highway services-conditional overlay-neighborhood plan (CH-CO-NP) combining district zoning was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
52. C14-2012-0083 - Cirrus Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 West 6th Street, and 602-702 West Avenue (Shoal Creek Watershed) from downtown mixed use-conditional overlay-central urban redevelopment district (DMU-CO-CURE) combining district zoning for Tract 1, and limited office (LO) district zoning and general office (GO) district zoning for Tract 2 to downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning for Tract 1 and downtown mixed use (DMU) district zoning for Tract 2. Staff Recommendation: To grant downtown mixed use-central urban redevelopment district (DMU-CURE) combining district zoning for Tract 1 and downtown mixed use (DMU) district zoning for Tract 2. Planning Commission Recommendation: To be reviewed on March 26, 2013. Applicant: Cirrus Logic, Inc. (Thurman Case). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Clark Patterson, 974-7691.
This item was postponed to April 11, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

53. C14-2012-0100 - Woodland Commercial Park - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1640 South IH-35 (Harper's Branch Watershed) from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To be reviewed on April 9, 2013. Owner: Woodland I-35, LP (Billy Reagan II). Applicant: Brown McCarroll LLP (Nikelle Meade). City Staff: Lee Heckman, 974-7604.
This item was postponed to April 25, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
54. C814-2012-0160 - 211 South Lamar Boulevard Planned Unit Development - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 211 South Lamar Boulevard (Lady Bird Lake Watershed) from general commercial services (CS) district zoning and general commercial services-vertical mixed use building (CS-V) combining district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning. Planning Commission Recommendation: To be reviewed on March 26, 2013. Owner: Post Paggi, LLC (Jason Post). Applicant: Winstead PC (Stephen O. Drenner). City Staff: Lee Heckman, 974-7604.
This item was postponed to April 25, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

PUBLIC HEARINGS AND POSSIBLE ACTIONS

57. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to make electronic prototype assembly and electronic testing conditional or permitted uses in the downtown mixed use (DMU) base zoning district.
This item was postponed to June 6, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
56. 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 Spelman's motion, Council Member Morrison's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting to go into Live Music and Proclamation at 5:25 p.m.

LIVE MUSIC

Janie Balderas

PROCLAMATIONS

Proclamation -- SBDP's "Getting Connected" Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Vicky Valdez

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

Proclamation -- National Public Health Week -- to be presented by Mayor Lee Leffingwell and to be accepted by TBA

Certificates of Congratulations -- GTOps Award Winners -- to be presented by Council Member Laura Morrison and to be accepted by the honorees

Proclamation -- St. James Mission's 5K -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Rev. Bobby Clemons

Distinguished Service Award -- Tim LaFuenta -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by the honoree

Proclamation -- Children's Picnic and Real Food Fair -- to be presented by Council Member Mike Martinez and to be accepted by Marla Camp

Mayor Leffingwell called the Council Meeting back to order at 6:53 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTIONS CONTINUED

55. Conduct a public hearing and consider an ordinance authorizing floodplain variances to demolish the existing single-family house at 4515 Speedway and construct a new two story duplex. This property is partially in the 25-year floodplain and entirely in the 100-year floodplain of Waller Creek.
The public hearing was conducted and the motion to close the public hearing and deny the floodplain variance was approved on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

31. 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)
Resolution No. 20130328-031 was approved on Council Member Tovo's motion, Council Member Morrison's second on a 4-3 vote. Those voting aye were Mayor Pro Tem Cole and Council Members Morrison, Spelman and Tovo. Those voting nay were Mayor Leffingwell and Council Members Martinez and Riley.
19. 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. PUBLIC COMMENT ON THIS ITEM WAS HEARD ON MARCH 21, 2013. ADDITIONAL COMMENTS WILL NOT BE ALLOWED.
Ordinance No. 20130328-019 was approved with striking part 2, section 25-1-552 and the following direction on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 5-2 vote. Those voting aye were Mayor Leffingwell, Mayor Pro Tem Cole and Council Member's Martinez, Riley and Spelman. Those voting nay were Council Members Morrison and Tovo. Direction was given to staff to work with Mr. Dobson and consult with other experts in the field in order to have an updated permit ordinance in a short amount of time.
18. Approve an ordinance waiving certain requirements of City Code Title 25 and adopting site-specific amendments to Section 25-8-514 for a project located at 7701 Bee Caves Road. The property is located within the Barton Creek Watershed portion of the Barton Springs Zone.
Ordinance No. 20130328-018 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 6-1 vote. Council Member Tovo voted nay.

Mayor Leffingwell adjourned the meeting at 8:20 p.m. without objection.

The minutes were approved on this the 11th day of April 2013 on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Council Member Tovo was absent.