

A U S T I N C I T Y C O U N C I L

# AGENDA



## AUSTIN CITY COUNCIL WORK SESSION

Tuesday, May 07, 2013

The Austin City Council will convene at 9:00 AM on  
Tuesday, May 07, 2013 at Austin City Hall  
301 W. Second Street, Austin, TX



**Mayor Lee Leffingwell**  
**Mayor Pro Tem Sheryl Cole**  
**Council Member Chris Riley, Place 1**  
**Council Member Mike Martinez, Place 2**  
**Council Member Kathie Tovo, Place 3**  
**Council Member Laura Morrison, Place 4**  
**Council Member William Spelman, Place 5**

For meeting information, contact the City Clerk, 974-2210

*The City Council may go into a closed session as permitted by the Texas Open Meetings Act, (Chapter 551 of the Texas Government Code) regarding any item on this agenda.*

**All of the following items may be acted upon by one motion. No separate discussion or action on any of the items is necessary unless desired by a Council Member.**

### **9:00 AM – City Council Convenes**

- A. Pre-Selected Agenda Items
- B. Council Discussion
  - B.1 Discussion relating to the proposed ordinance creating a board of trustees to govern Austin Energy and an advisory panel to advise the board and council on matters concerning Austin Energy, and possible action regarding the schedule for consideration of the ordinance.
- C. Council Items of Interest
  - C.1 Discussion of recent print media related to taxicabs.
- D. Briefings
  - D.1 Seaholm and New Central Library Presentation.

### **Consent**

#### **Communications and Technology Management**

- 2. Authorize the negotiation and execution of Amendment No. 1 to an Interlocal Agreement between the City of Austin and the Capital Area Council of Governments (CAPCOG) for the City's services related to the enhanced 9-1-1 emergency telephone system and maintenance of the 9-1-1 database on a county-wide basis to increase the 12-month renewal option reimbursement of \$330,414 by the amount of \$105,104, for a total renewal option reimbursement amount not to exceed \$435,518 and for a total contract reimbursement due from CAPCOG to the City in an amount not to exceed \$765,932.

#### **Contract Management**

- 3. Authorize negotiation and execution of an amendment to the professional services agreement with JACKSON & RYAN ARCHITECTS for architectural and engineering services for the Betty Dunkerley Campus Infrastructure Improvements, in the amount of \$222,000 for a total contract

amount not to exceed \$1,772,000. Related to Item #8.

( Notes: This contract was awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) with 20.66% MBE and 14.31% WBE subconsultant participation to date. )

4. Authorize funding for the New Central Library Project Construction Manager at Risk Contract with HENSEL PHELPS CONSTRUCTION in the amount of the contractual construction cost limitation of \$109,300,000 with a \$2,600,000 owner contingency for a total amount not to exceed \$111,900,000, and authorize negotiation and execution of a guaranteed maximum price for the construction of the New Central Library and related improvements, including 2nd Street bridge, utilities, roadway improvements, and the Seaholm Substation wall.

( Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals for Preconstruction Phase Services of the Construction Manager at Risk agreement of 7.69% MBE and 3.02% WBE. All future work packages for Construction Phase Services will contain MBE/WBE goals and compliance with the Ordinance will be required. )

5. Authorize execution of Change Order # 3 to the construction contract with INSITUFORM TECHNOLOGIES, INC., to extend the term of the Annual Service Agreement for Rehabilitation of Wastewater Lines Through Trenchless Process – Indefinite Delivery/ Indefinite Quantity, at no additional cost to the City, for a total contract amount not to exceed \$11,769,805.

( Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) with 4.51% MBE and 4.61% WBE subcontractor participation to date including this change order. )

6. Authorize negotiation and execution of a job order contract with the following Austin, Texas contractors: GO GREEN SQUADS, LLC (WBE/FW); McCULLOUGH HEATING & AIR CONDITIONING INC.; CLIMATE MECHANICAL, INC.; AIRTECH ENERGY SYSTEMS, INC.; GOOD NEIGHBOR MANAGEMENT, INC. dba CITY CONSERVATION; and AMERICAN CONSERVATION & AIR, INC., to perform construction services for the Austin Energy Home Efficiency Assistance Program Tier 2 Basic Weatherization Plus HVAC Project, in an amount not to exceed \$1,500,000 for a one-year term and distributed to the six selected contractors based on work authorization and availability.

( Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. )

## **Financial Services**

7. Approve an ordinance amending the Fiscal Year 2012-2013 Public Works Department Capital Budget (Ordinance No. 20120910-002) to increase appropriations by \$6,300,000 for bikeway projects and pedestrian related improvements and \$1,150,000 for street and bridge reconstruction; \$200,000 for the neighborhood partnering program; amending the Fiscal Year 2012-2013 Austin Transportation Department Capital Budget (Ordinance No. 20120910-002) to increase appropriations by \$1,760,000 for arterial congestion and crash risk mitigation and \$1,725,000 for corridor mobility improvements; amending the Fiscal Year 2012-2013 Watershed Protection Department Capital Budget (Ordinance No. 20120910-002) to increase appropriations by \$15,000,000 for open space acquisition; amending the Fiscal Year 2012-2013 Parks and Recreation Department Capital Budget (Ordinance No. 20120910-002) to increase appropriations by \$1,000,000 for cemetery renovations, \$4,850,000 for facility renovations and improvements, and \$500,000 for park improvements; amending the Fiscal Year 2012-2013 Austin Fire Department Capital Budget (Ordinance No. 20120910-002) to increase appropriations by \$1,500,000 for public safety facility improvements; amending the Fiscal Year 2012-2013 Health and Human Services Department Capital Budget (Ordinance No. 20120910-002) to increase appropriations by \$1,960,000 for health and human services facility improvements; amending the Fiscal Year 2012-2013 Austin Public Library Capital Budget (Ordinance No. 20120910-002) to increase appropriations by \$1,190,000 for library facility improvements; and amending the Fiscal Year 2012-2013 Economic Growth and Redevelopment Services Office Capital Budget (Ordinance 20120910-002) to increase appropriations by \$100,000 for Austin Film Studios.
8. Approve a resolution declaring the City of Austin's official intent to reimburse itself from November 2012 General Obligation Bonds to be issued for expenditures in the total amount of \$37,235,000. Related to Item #3.
9. Approve an ordinance amending the Fiscal Year 2012-2013 Aviation Department Capital Budget (Ordinance No. 20120910-002) to appropriate \$52,363,668 from City of Austin Airport System Revenue Bonds for Airport Improvement Projects. Related to Item#28.
10. Approve an ordinance amending the Fiscal Year 2012-2013 Austin Convention Center Operating Fund Operating Budget (Ordinance No. 20120910-001) by increasing revenue in the amount of \$1,820,000, increasing expenditures by \$6,325,000 and decreasing the ending balance by \$4,505,000 for payment of a judgment in City of Austin v. Harry M. Whittington, et al., Cause No. D-1-GV-07-00942, in the 353rd Judicial District Court, Travis County, Texas for the City's condemnation of Lots 1-8, inclusive, of Block 38 of the Original City of Austin, and declaring an emergency. Related to Item #12.

### **Government Relations**

11. Approve a resolution adopting the City's federal legislative program for the

113th Congress, including Fiscal Year 2014 appropriations requests.

### **Law**

12. Authorize payment of a judgment in *City of Austin v. Harry M. Whittington, et al.*, Cause No. D-1-GV-07-00942, in the 353rd Judicial District Court, Travis County, Texas, for the City's condemnation of Lots 1-8, inclusive, of Block 38 of the Original City of Austin, in the approximate amount of \$6,325,000. Related to Item #10.

### **Library**

13. Approve an ordinance authorizing acceptance of \$15,000 in grant funds from the Institute for Museum and Library Services and amending the Fiscal Year 2012-2013 Library Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$15,000 to implement an enhanced internet presence by developing a mobile-friendly library catalog and website.
14. Approve an ordinance accepting \$750 in grant funds from the Texas State Library and Archives Commission (TSLAC) and amending Fiscal Year 2012-2013 Library Department Operating Budget Special Revenue Fund (Ordinance No. 20120910-001) to appropriate \$750 to send librarians or other qualified personnel to a TSLAC-sponsored Tech Training Exchange Workshop.

### **Management Services**

15. Approve second and third reading of an ordinance relating to the creation of a board of trustees to govern Austin Energy and an advisory panel to advise the board and the Council on matters concerning Austin Energy.

### **Office of Real Estate Services**

16. Approve an ordinance vacating a 1,262 square foot portion of Luther Lane right-of-way, recorded in Volume 4, Page 345, Travis County Plat Records, and an 840 square foot portion of Luther Lane right-of-way, recorded in Volume 9547, Page 959, Travis County Real Property Records, to UP-32ND STREET HOSPITALITY, L.L.C.
17. Authorize the negotiation and execution of any and all documents and instruments necessary or desirable to purchase in fee simple a tract of land totaling approximately 93.65 acres in Travis County, Texas, located on Escarpment Boulevard, from STANDARD PACIFIC OF TEXAS, INC., A DELAWARE CORPORATION, through an assignment of an option for the purchase of real estate assigned by The Nature Conservancy of Texas, Inc., for a total amount not to exceed \$1,350,000.

18. Authorize the negotiation and execution of an agreement with THE NATURE CONSERVANCY of Texas, Inc. (TNC), providing for reimbursement of costs incurred by TNC in connection with the acquisition of real property pursuant to the November 6, 2012 Bond Election, Proposition 13, in an amount not to exceed \$300,000.

### **Parks and Recreation**

19. Approve an ordinance amending the Fiscal Year 2012-2013 Golf Surcharge Fund Operating Budget (Ordinance No. 20120910-001) to increase the transfer out by \$85,000; and amending the Fiscal Year 2012-2013 Parks and Recreation Department Capital Budget (Ordinance No. 20120910-002) to transfer in and appropriate \$85,000 from the Golf Surcharge Fund for turf replacement on course greens.

### **Planning and Development Review**

20. Approve a resolution regarding a citizen request seeking the City's consent to the municipal incorporation of a portion of the Hornsby Bend area (the proposed incorporation area includes several developed residential neighborhoods centered along FM 969 east of FM 973 within the City's extraterritorial jurisdiction).

### **Public Works**

21. Authorize negotiation and execution of an amendment to the interlocal agreement with Travis County for the Howard Lane II project from Cameron Road (Harris Branch Parkway) to State Highway 130 in the amount of \$2,760,297.92, for a total contract amount not to exceed \$12,760,297.92.

### **Purchasing Office**

22. Authorize award and execution of Amendment No. 2 to a requirements supply contract with MCKESSON MEDICAL-SURGICAL, INC., for medical supplies for various City departments to increase the contract authorization for the current contract period in an amount not-to-exceed \$139,650 and remaining three extension options in an estimated amount not to exceed \$92,880 for the first option, \$111,456 for the second option, and \$133,747 for the third option, for a revised total contract amount not to exceed \$2,668,666.  
( Notes: This contract was awarded in compliance with City Code Chapter 2-9D (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. )
23. Authorize award, negotiation, and execution of a 60-month services requirements contract with MARSH USA, Inc., for the administration services of the Rolling Owner Controlled Insurance Program (ROCIP VI) in

an amount not to exceed \$875,000; and to authorize the administrator to negotiate and purchase workers' compensation, general liability, and excess liability insurance coverage for contractors that participate in construction projects included in ROCIP VI in an amount not to exceed \$6,455,000 for a total contract not to exceed \$7,330,000.

( Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation. )

### **Transportation**

24. Approve an ordinance amending City Code Section 12-4-64(D) to establish a maximum speed limit of 55 miles per hour on Burleson Road from U.S. 183 to FM 973.
25. Approve an ordinance amending City Code Section 12-4-64(D) to modify the speed limits on certain segments of Ross Road, to add a 20 mile-per-hour school zone for students attending Del Valle elementary and middle schools, and declaring an emergency.
26. Approve an ordinance amending City Code Section 12-4-64(D) to modify speed limits on certain segments of St. Elmo Road, to add 20 mile-per-hour school zones on St. Elmo Road and Woodward Street for students attending Harmony School of Excellence, and to provide for emergency passage.
27. Approve an ordinance amending City Code Section 12-4-64(D) to modify the speed limits on certain segments of Airport Boulevard, to add a 20 mile-per-hour school zone on a segment of Airport Boulevard for students attending Ridgetop Elementary School, and to provide for emergency passage.

### **Treasury Office**

28. Approve an ordinance authorizing the issuance of City of Austin Airport System Revenue Bonds, Series 2013, in an amount not to exceed \$60,000,000, providing for the award of the sale of the bonds, authorizing related documents, and approving related fees. The funds will be used for planning, acquiring, establishing, constructing, improving and equipping the airport and for costs associated with bond issuance. Related to Item #9.

### **Item(s) from Council**

29. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
30. Approve a resolution initiating code amendments to the Central Urban

Redevelopment Combined District (CURE) to bring it into alignment with the Downtown Density Bonus Program including amendments eliminating the ability to use CURE as a means to secure additional height and density. ( Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member William Spelman CO 2: Council Member Kathie Tovo )

31. Approve a resolution directing the City Manager to establish baseline information, goals, opportunities and sustainable strategies for preserving affordable housing stock and to work with stakeholders to develop recommendations to Council to proactively address preservation of affordable housing.  
( Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo )
32. Approve a resolution directing the City Manager to collect data on multi-family units participating in Austin Energy's Multi-Family Energy Efficiency Program.  
( Notes: SPONSOR: Council Member Kathie Tovo CO 1: Council Member William Spelman CO 2: Council Member Mike Martinez )
33. Approve the reimbursement of certain fees and waiver of requirements under City Code Chapter 14-8 for the Texas Peace Officer Memorial Foundation's biennial Memorial Service and Parade sponsored by the Texas Peace Officer Memorial Foundation which was held Monday, May 6, 2013 beginning at the Ann Richards Congress Avenue Bridge and ending at the Texas State Capitol Building.  
( Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Kathie Tovo )
34. Approve an ordinance reimbursing certain fees for the Telling Project's "Telling: Austin, TX" event sponsored by Austin Community College which was held April 25-27 and May 2-4, 2013 at the Emma S. Barrientos Mexican American Cultural Center.  
( Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Laura Morrison CO 2: Council Member Kathie Tovo )
35. Approve a resolution directing the City Manager to explore mechanisms to fund relocation of buildings on Rainey Street, creation of a Rainey Street History Center, and future infrastructure improvements in the Rainey Street Subdistrict; and to provide a report to Council by June 27, 2013.  
( Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Laura Morrison )
36. Approve a resolution appointing individuals to the Municipal Civil Service Commission for terms of one year, two years, and three years, and approve designation of a commission chair for the Municipal Civil Service Commission.  
( Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council

Member Laura Morrison CO 2: Council Member William Spelman )

**Item(s) to Set Public Hearing(s)**

37. Set a public hearing to consider an ordinance regarding floodplain variances for construction of a retaining wall and fill at 101 Red River Street (proposed Fairmont Hotel) within the 25-year and 100-year floodplains of Waller Creek. (Suggested date and time: May 23, 2013, 4:00 p.m., at Austin City Hall, 301 West Second Street, Austin, TX)
38. Set a public hearing to consider an ordinance amending City Code Chapter 25-2 to make electronic prototype assembly and electronic testing a conditional or permitted use in the downtown mixed use and central business district base zoning district. (Suggested date and time: June 6, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

**Non-Consent**

**Action on Item(s) with Closed Public Hearings - per City Code Section 2-5-27, additional speakers will not be registered**

39. Approve third reading of an ordinance amending Chapter 25-2 to create the East Riverside Corridor (ERC) zoning district, amend Subchapter E: Design Standards & Mixed Use to exempt the ERC zoning district, and approve a collector street plan for the East Riverside Corridor Area. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON NOVEMBER 8, 2012.
40. NPA-2012-0021.02 – East Riverside Corridor Regulating Plan (East Riverside/Oltorf Combined (EROC) Neighborhood Planning Area) – Approve third reading 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. Second Reading approved on April 25, 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.
41. NPA-2012-0005.04 – East Riverside Corridor Regulating Plan (Montopolis Neighborhood Planning Area) – Approve third reading 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. Second Reading approved on April 25, 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.

42. C14-2012-0111a – East Riverside Corridor Regulating Plan (East Riverside Neighborhood Planning Area) – Approve third reading 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. Second Reading approved on April 25, 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.

43. C14-2012-0111b – East Riverside Corridor Regulating Plan (Pleasant Valley Neighborhood Planning Area) – Approve third reading 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. Second Reading approved on April 25, 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.

44. C14-2012-0112 – East Riverside Corridor Regulating Plan (Montopolis Neighborhood Planning Area) – Approve third reading 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. Second Reading approved on April 25, 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.

### **Morning Briefings**

45. Briefing on the review process for the sale of city-owned land.
46. Briefing on the Auditorium Shores Improvements Project.

### **Executive Session**

47. Discuss legal issues related to open government matters (Private consultation with legal counsel - Section 551.071).
48. Discuss legal issues related to the transition to electing the council from single-member districts (Private consultation with legal counsel - Section 551.071).
49. Discuss legal issues related to Rachel McCuiston et al v. City of Austin, Cause No. C-1-CV-11-004217; In the Travis County Court at Law No. 1 (Private consultation with legal counsel - Section 551.071).
50. Discuss legal issues relating to the City's employee benefits programs (Private consultation with legal counsel - Section 551.071).
51. Discuss legal issues related to Austin Fire Department cadet hiring processes (Private consultation with legal counsel - Section 551.071).

### **Zoning Ordinances / Restrictive Covenants (HEARINGS CLOSED)**

52. C14-2011-0141 - Peaceful Hill Condominiums - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8107 Peaceful Hill Lane and 501 Hubach Lane (South Boggy Creek Watershed) from development reserve (DR) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, with conditions. First reading approved with conditions on April 26, 2012. Vote: 5-2, Mayor Lee Leffingwell and Council

Member Tovo voted nay. Second Reading approved with conditions on June 14, 2012. Vote: 5-2 Council Members Morrison and Tovo voted nay. Owner/Applicant: Kristopher Alsworth, Delton Hubach, Jim Bula and Catherine Christopherson. Agent: The Weichert Law Firm (Glenn K. Weichert). City Staff: Wendy Rhoades, 974-7719. A valid petition has been filed in opposition to this rezoning request.

53. 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.

#### **Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)**

54. 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.
55. NPA-2012-0016.01.SH – 1141 Shady Lane (thinkEAST Austin) – Conduct a public hearing and approve an ordinance amending Ordinance No. 20030327-12 of the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 1141 Shady Lane (Boggy Creek Watershed) from Single Family land use and Mixed Use land use to Major Planned Developments land use. Staff Recommendation: To grant Major Planned Developments land use. Planning Commission Recommendation: To be reviewed on May 14, 2013. Owner: thinkEAST Austin, L.P. Applicant/Agent: thinkEAST Austin Management, L.L.C. (Richard de Varga). City Staff: Maureen Meredith, 974-2695.
56. C814-2012-0128.SH thinkEAST Austin– Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1411 Shady Lane (Boggy Creek

Watershed; Tannehill Branch Watershed) from limited office-mixed use-conditional overlay-neighborhood plan (LO-MU-CO-NP) combining district and family residence-neighborhood plan (SF-3-NP) combining district zoning to planned unit development-neighborhood plan (PUD-NP) combining district zoning. Staff Recommendation: To grant planned unit development-neighborhood plan (PUD-NP) combining district zoning, with conditions. Planning Commission Recommendation: To be reviewed on May 14, 2013. Owner/Agent: thinkEAST Austin, LP (Richard deVarga). City Staff: Heather Chaffin, 974-2122.

57. C814-2012-0085 – Estancia Hill Country PUD – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 12814 Interstate Highway 35 South and FM 1327 (Puryear Road) at South IH 35 Service Road Southbound (Onion Creek Watershed) from unzoned to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning, with conditions. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning, with conditions. Owner/Applicant: Sevengreen One LTD; Quartersage II LTD; Reverde Three LTD; IV Capitol Pointe LTD; Stone Pointe Five LTD; Saladia VI LTD; Paol Grande Seven LTD; High Point Green VIII LTD; Golondrina Nine LTD; X Cordoniz LTD; Ciero Eleven LTD; Zaguan XII LTD; Thirteen Canard LTD; Ruisseau XIV LTD; Dindon Fifteen LTD; Bois de Chene XVI LTD; Etourneau Seventeen LTD; Moineau XVIII LTD; SLF III – Onion Creek LP (The Stratford Company) (Ocie Vest). Agent: Metcalfe Wolff Stuart & Williams, LLP (Michele Rogerson). City Staff: Wendy Rhoades, 974-7719.
58. NPA-2013-0025.03 – B.C. Child Development Center – Toddler House – Conduct a public hearing and approve an ordinance amending Ordinance No. 20081211-096, the Oak Hill Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the land use designation on the future land use map (FLUM) on property locally known as 5801 Travis Cook Road (Williamson Creek Watershed-Barton Springs Zone) from Single Family land use to Neighborhood Mixed Use land use. Staff Recommendation: To grant the change in the FLUM to Neighborhood Mixed Use land use. Planning Commission Recommendation: To grant Neighborhood Mixed Use land use. Owner: Michael P. Muller. Applicant/Agent: Peter Hollister for Elizabeth Wheatley, Daycare Owner. City Staff: Maureen Meredith, 974-2695.
59. C14-2013-0010 – B. C. Child Development Center – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 5801 Travis Cook Road (Williamson Creek Watershed-Barton Springs Zone) from rural residence-neighborhood plan (RR-NP) combining district zoning to limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Staff Recommendation: To grant limited office-mixed use-neighborhood plan

(LO-MU-NP) combining district zoning. Planning Commission Recommendation: To grant limited office-mixed use-neighborhood plan (LO-MU-NP) combining district zoning. Applicant: Michael Muller. Agent: Hollister House & Home (Peter Hollister). City Staff: Clark Patterson, 974-7691.

60. C14-2012-0162 – Riddle Road Retail Center – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 2301 Riddle Road (Slaughter Creek Watershed) from single family residence-standard lot (SF-2) district zoning to limited office (LO) district zoning. Staff Recommendation: To grant limited office (LO) district zoning. Zoning and Platting Commission Recommendation: To grant limited office (LO) district zoning. Owner/Applicant: Manchaca Volunteer Fire Department, Inc. (Warren Hassinger). Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Wendy Rhoades, 974-7719.
61. C14-2013-0011 – Restaurant – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 11800 Arabian Trail (Walnut Creek Watershed) from single family residence-standard lot (SF-2) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning. Staff Recommendation: To deny community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on May 21, 2013. Owner/Applicant: Xue Yun Tang. Agent: Shaw Hamilton Consultants (Shaw Hamilton). City Staff: Sherri Sirwaitis, 974-3057.
62. C14-2013-0024 – Onion Creek Greenway – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 4439 East SH 71, Unit B (Onion Creek Watershed) from interim-rural residence (I-RR) district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Zoning and Platting Commission Recommendation: To grant public (P) district zoning. Owner/Applicant: City of Austin. Agent: Parks and Recreation Department (Gregory Montes). City Staff: Wendy Rhoades, 974-7719.
63. C14-2013-0026 – Springdale Business Center – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 8301 Springdale Road (Walnut Creek Watershed) from interim-rural residence (I-RR) district zoning to limited industrial service (LI) district zoning. Staff Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited industrial service-conditional overlay (LI-CO) combining district zoning. Owner/Applicant: Springdale Business Center, Ltd. (E.J. Bomer). Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Sherri Sirwaitis, 974-3057.

64. C14-2013-0030 – Roddick Tennis and Learning Center – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8509 FM 969 Road (Elm Creek Watershed) from family residence (SF-3) district zoning and general office-conditional overlay (GO-CO) combining district zoning to community commercial (GR) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: MF Austin Ridge, LLC (Manny Farahani). Agent: Thonhoff Consulting Engineers, Inc. (Robert Thonhoff, Jr., P.E.). City Staff: Sherri Sirwaitis, 974-3057.
65. C14-2013-0036 – Paloma Ridge – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 13620-13700 North FM 620 Road (Lake Creek Watershed) from multi-family residence-medium density (MF-3) district zoning and general office-mixed use-conditional overlay (GO-MU-CO) combining district zoning to community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Staff Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning. Owner/Applicant: Koontz McCombs, Troves Gilbert. Agent: Bury & Partners Inc. (Melissa Neslund). City Staff: Sherri Sirwaitis, 974-3057.
66. C14-2013-0038 – Dilley 2.5 – Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 10811 D-K Ranch Road (Bull Creek Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning to single family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant single family residence-standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To grant single family residence-standard lot (SF-2) district zoning. Owner/Applicant: Dilley Investment, LLC (Nash Mahesania). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Sherri Sirwaitis, 974-3057.

### **Public Hearings and Possible Actions**

67. Conduct a public hearing and consider an ordinance regarding Texas Gas Service's proposal to increase customer gas rates.
68. Conduct a public hearing and consider an appeal by Ian Inglis, President of the Austin City Lofts Neighborhood Association, regarding the decision to issue an outdoor music venue permit for Tiniest Bar in Texas, at 817 West 5th Street.

69. Conduct a public hearing and consider an ordinance amending various sections of City Code Title 25 to clarify definitions and regulations related to bicycle and motor vehicle parking requirements, calculations and reductions; and establishing a bicycle parking fund.
70. Conduct a public hearing and consider an ordinance amending City Code Chapters 25-2 and 25-12 relating to the regulation of short-term rental residential uses and other regulating lodging establishments; authorizing the limited refund or credit for certain fees paid; and waiving the review requirement of Section 25-1-502.
71. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 to encourage the relocation of historically significant buildings in the Rainey Street subdistrict of the Waterfront Overlay Combining District to appropriate locations outside of the subdistrict in lieu of demolition.
72. Conduct a public hearing relating to authorization of a public improvement district for the Estancia Hill Country project (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).
73. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2, Subchapter E, relating to design standards and mixed use for development projects.
74. Conduct a public hearing and consider an ordinance amending Article 11 of City Code Chapter 25-12, the Residential Code, to require additional accessibility or visitability standards for residential single-family and duplex construction. Related to Item #74.
75. Conduct a public hearing and consider an ordinance repealing and replacing Article 11 of City Code Chapter 25-12 to adopt the 2012 International Residential Code and local amendments. Related to Item #75.
76. Conduct a public hearing and consider an ordinance amending Article 1 of City Code Chapter 25-12, the Building Code, to address noise mitigation for high rise residential Group R structures. Related to Item #77.
77. Conduct a public hearing and consider an ordinance repealing and replacing Article 1 of City Code Chapter 25-12 to adopt the 2012 International Building Code and local amendments. Related to Item #76.
78. Conduct a public hearing and consider an ordinance amending Section 25-12-113 and 25-12-114 relating to requirements of the Electrical Code for registration, inspection, supervision, and suspension.
79. Conduct a public hearing to consider an ordinance repealing and replacing

Article 5 of City Code Chapter 25-12 to adopt the 2012 Uniform Mechanical Code and local amendments.

80. Conduct a public hearing to consider an ordinance repealing and replacing Article 6 of City Code Chapter 25-12 to adopt the 2012 Uniform Plumbing Code and local amendments.
81. Conduct a public hearing to consider an ordinance repealing and replacing Article 9 of City Code Chapter 25-12 to adopt the 2012 International Property Maintenance Code and local amendments.
82. Conduct a public hearing and consider an ordinance repealing and replacing Article 12 of City Code Chapter 25-12 to adopt the 2012 International Energy Conservation Code and local amendments.
83. Conduct a public hearing and consider an ordinance repealing and replacing City Code Chapter 25-12, Article 7 to adopt the 2012 International Fire Code and local amendments.

## **Adjourn**

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A person may request a Spanish language interpreter be made available by contacting the Office of the City Clerk not later than twenty-four hours before the scheduled time of the item on which the person wishes to speak. Please call 974-2210 in advance or inform the City Clerk's staff present at the council meeting.

Cualquier persona puede solicitar servicios de intérprete en español comunicándose con la oficina del Secretario/a Municipal a no más tardar de veinte y cuatro horas antes de la hora determinada para el asunto sobre el cual la persona desea comentar. Por favor llame al 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.