



**AUSTIN CITY COUNCIL  
MINUTES**

**REGULAR MEETING  
THURSDAY, MAY 9, 2013**

**Invocation:** Rev. Adam T. Carrington, Pastor, Grant AME Worship Center

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, May 9, 2013 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:09 a.m.

**CONSENT AGENDA**

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council open government symposium discussion and municipal civil service commission candidate discussion of April 17, 2013, work session of April 23, 2013, regular meeting of April 25, 2013 and budget work session of May 2, 2013.  
**The minutes from the City Council open government symposium discussion and municipal civil service commission candidate discussion of April 17, 2013, work session of April 23, 2013, regular meeting of April 25, 2013 and budget work session of May 2, 2013 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
  
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.  
**This item was postponed on consent to May 23, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
  
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.)  
**The motion authorizing the negotiation and execution of amendment to the professional services agreement with Jackson & Ryan Architects was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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.) Approved by the Water and Wastewater Commission on a 5-1-1 vote with Commission Fishbeck voting against the item and Commissioner Gray recused. Recommendation #20130508-D18  
**The motion authorizing the funding for the new Central Library Project Construction Manager at Risk Contract with Hensel Phelps Construction was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.) Unanimously approved by the Water and Wastewater Commission on a 7-0 vote. Recommendation #20130508-D8  
**The motion authorizing the execution of change order number three to the construction contract with Insituform Technologies, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.)  
**This item was postponed on consent to May 23, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.

**Ordinance No. 20130509-007 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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.

**Resolution No. 20130509-008 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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.

**Ordinance No. 20130509-009 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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.

**Ordinance No. 20130509-010 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

11. Approve a resolution adopting the City's federal legislative program for the 113th Congress, including Fiscal Year 2014 appropriations requests.

**This item was postponed on consent to June 6, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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.

**The motion to settle the above referenced lawsuit, by the City paying an approximate amount of \$6,325,000, was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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.

**Ordinance No. 20130509-013 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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.  
**Ordinance No. 20130509-014 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Item 15 was pulled for discussion.**

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.  
**Ordinance No. 20130509-016 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**The motion authorizing the negotiation and execution of any and all documents and instruments necessary or desirable to purchase in fee simple a tract of land from Standard Pacific of Texas, Inc., a Delaware Corporation was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**The motion authorizing the negotiation and execution of an agreement with the Nature Conservancy of Texas, Inc. (TNC) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**Ordinance No. 20130509-019 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Item 20 was pulled for discussion.**

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. Unanimously approved by the Water and Wastewater Commission on a 7-0 vote. Recommendation #20130508-D12  
**The motion authorizing the negotiation and execution of an amendment to the interlocal agreement with Travis County was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.)

**The motion authorizing the award and execution of amendment number two to a requirements supply contract with McKesson Medical Surgical, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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.)  
**The motion authorizing the award, negotiation and execution of a services requirements contract with Marsh USA, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
24. Approve an ordinance amending City Code Section 12-4-64(D) to establish a maximum speed limit of 55 miles per hour on Burlison Road from U.S. 183 to FM 973.  
**This item was postponed on consent to May 23, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**This item was postponed on consent to May 23, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**This item was postponed on consent to May 23, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**This item was postponed on consent to May 23, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**Ordinance No. 20130509-028 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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

Nominations

Board/Nominee

Nominated by

Community Development Commission

Edward Reyes - representative, Dove Springs area

Mayor Leffingwell

Municipal Civil Service Commission

Kimberlee Kovach

Council

Pamela Lancaster

Council

Teresa Perez-Wiseley

Council

Lynn Rubinett

Council

Kevin Russell

Council

Resolution No. 20130509-036 provides the terms for each member and names the chair of the Municipal Civil Service Commission.

**Item 30 was set for a time certain of 7:00 p.m.**

**Items 31 and 32 were pulled for discussion.**

- 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)  
**The motion to approve the reimbursement of certain fees and waiver of requirements for the Texas Peace Officer Memorial Foundation’s biennial memorial service and parade was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.**

- 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)  
**Ordinance No. 20130509-034 was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.**

**Item 35 was pulled for discussion.**

- 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)  
**Resolution No. 20130509-036 was approved on consent on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.**

- 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)

**This item was withdrawn on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.**

- 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).

**The public hearing was set on consent for June 6, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 7-0 vote.**

Items 39 through 44 were set for a 7:00 time certain.

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

Items 47 through 51 were Executive Session items

Items 52 through 66 were zoning items set for 2:00 p.m.

Items 67 through 83 were public hearing items set for 4:00 p.m.

**DISCUSSION ITEMS**

- 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.

**This item was postponed to May 23, 2013 on Council Member Spelman’s motion, Mayor Pro Tem Cole’s second on a 5-2 vote. Those voting aye were Mayor Leffingwell, Mayor Pro Tem Cole, Council Members Martinez, Riley and Spelman. Those voting nay were Council Members Morrison and Tovo.**

- 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).

**Resolution No. 20130509-020 was approved on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.**

- 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)

**Resolution No. 20130509-031 was approved on Council Member Martinez’ motion, Council Member Morrison’s second on a 7-0 vote.**

- 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)

**This item was postponed to May 23, 2013 on Council Member Tovo’s motion, Council Member Martinez’ second on a 7-0 vote with direction to staff to send the item to the Electric Utility Commission and the Community Development Commission for review.**

- 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)  
**Resolution No. 20130509-035 was approved on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.**

**BRIEFINGS**

- 45. Briefing on the review process for the sale of city-owned land.  
**This item was withdrawn without objection.**
- 46. Briefing on the Auditorium Shores Improvements Project.  
**This item was withdrawn without objection.**

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 10:46 a.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.**

- 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).
- 51. Discuss legal issues related to Austin Fire Department cadet hiring processes (Private consultation with legal counsel - Section 551.071).  
**This item was withdrawn.**

**Executive Session ended and Mayor Pro Tem Cole called the Council Meeting back to order at 12:04 p.m.**

**CITIZEN COMMUNICATIONS: GENERAL**

Koohyun Kim - American Homeland Security of Austin citizens

Will McLeod - 1. The City is not complying with the Americans with Disabilities Act. 2. Abolish Capital Metro 3. We need to pass a resolution to remove Rosemary Lehmberg due to her unethical behavior. 4. TBD

Walter Olenick - Water Fluoridation

Greg Casar - White Lodgins Marriot: A deal is a deal.

Angela Atwood - Medicaid expansion

Joseph Sclasani - 1. Condos on South Lamar 2. Water Shortage – **Not present when name was called.**

Marion Mlotok - Austin Energy

Paul Robbins - City issues

Jerre Locke - Austin Energy

Ronnie Reefersed - Fighting tyranny and fluoride poisoning. Hoping and praying for peace and freedom.

**Mayor Pro Tem Cole recessed the Council Meeting to go into Executive Session at 12:31 p.m.**

**EXECUTIVE SESSION CONTINUED**

**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.**

- 47. Discuss legal issues related to open government matters (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).

**Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 1:46 p.m. and announced Council is in recess until 7:00 p.m.**

**LIVE MUSIC**

Miranda Gil

**PROCLAMATIONS**

Proclamation -- Mental Health Month and Children's Mental Health Awareness Day -- to be presented by Mayor Lee Leffingwell and to be accepted by Christy Kuehn

Proclamation -- Take Heart Austin Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Dr. Jose Cabanas

Proclamation -- Internal Audit Week -- to be presented by Mayor Lee Leffingwell and to be accepted by Marcus Horton

Proclamation -- VIVA Streets! and Bike to Work Day -- to be presented by Council Member Chris Riley and to be accepted by the VIVA STREETS! Committee and Austin Cycling Association representatives

Proclamation -- Austin Neighborhoods Council's 40th Anniversary -- to be presented by Council Member Laura Morrison and to be accepted by Carol Lee and past presidents

Proclamation -- 25th Anniversary of the Town Lake Chapter of The Links, Inc. -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Gerry Tucker

Mayor Leffingwell called the Council Meeting back to order at 7:25 p.m.

**ZONING CONSENT ITEMS**

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

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.  
**This item was postponed on consent to May 23, 2013 at the applicant's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**Ordinance No. 20130509-053 for central business district-central urban redevelopment district (CBD-CURE) combining district zoning, to change a condition of zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130509-054 for an amendment to a portion of the Restrictive Covenant was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**This item was postponed on consent to June 6, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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.  
**This item was postponed on consent to June 6, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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; Ruissea 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.  
**The public hearing was conducted and the motion to close the public hearing and approve the ordinance on first reading for planned unit development (PUD) district zoning, with conditions was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Tovo voted nay.**
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.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130509-058 to change the land use designation on the future land use map (FLUM) to Neighborhood Mixed Use land use was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130509-059 for limited office-mixed use-neighborhood plan (LO-MU-NP) combining district**

**zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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.  
**This item was postponed on consent to June 6, 2013 at the staff's request on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130509-062 for public (P) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130509-063 for limited industrial service-conditional overlay (LI-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130509-064 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
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.

**The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for community commercial-mixed use-conditional overlay (GR-MU-CO) combining district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130509-066 for single family residence-standard lot (SF-2) district zoning was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

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.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130509-060 for limited office (LO) district zoning was approved on consent on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

### PUBLIC HEARINGS AND POSSIBLE ACTIONS

**Items 67-71 and 73-83 were acted on in a combined motion.**

67. Conduct a public hearing and consider an ordinance regarding Texas Gas Service's proposal to increase customer gas rates.  
**This item was postponed to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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.  
**This item was withdrawn on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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.  
**This item was postponed to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

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.  
**This item was postponed to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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.  
**This item was postponed to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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.  
**This item was postponed to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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 #75.  
**This item was postponed to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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 #74.  
**This item was postponed to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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.  
**This item was postponed to May 23, 2013 on Council Member motion, Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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.  
**This item was postponed on consent to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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.  
**This item was postponed to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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.  
**This item was postponed to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

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.  
**This item was postponed to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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.  
**This item was postponed to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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.  
**This item was postponed to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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.  
**This item was postponed to May 23, 2013 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**
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).  
**The public hearing was conducted and the motion to close the public was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

#### **DISCUSSION ITEMS CONTINUED**

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)  
**Resolution No. 20130509-030 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 6-1 vote. Mayor Leffingwell voted nay.**

#### **ACTION ON ITEM(S) WITH CLOSED PUBLIC HEARINGS**

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.  
**Ordinance 20130509-039 was approved with the following amendments on Council Member Spelman's motion, Mayor Leffingwell's second on a 6-1 vote. Mayor Leffingwell voted nay.**
- **On pages 11-18, figures 1-1 to 1-8, change the label in the key from "East Riverside Corridor Zoning District Boundary" to "East Riverside Corridor Planning Area Boundary."**
  - **On pages 19-23, figures 1-9 through 1-13, Subdistrict Development Regulations, Environmental Maximum Impervious Cover Citations change from City of Austin Environmental Criteria Manual (ECM) to the Land Development Code (LDC) Section 25-8.**
  - **On page 24, add a new Figure 1-14, East Riverside Corridor (ERC) Future Land Use Map (November 8, 2012 draft).**

- On page 39, correct figure 3-4 to show the correct dimensions of the clear zone and planting zone as stated in figure 3-2, the required standards for public sidewalks within the East Riverside Corridor Zoning District.
- On page 55, replace figure 4-1 (Two Story Minimum Requirements) with the November 8, 2012 draft.
- On page 56, Subsection 4.2.3.D.1 Impervious Cover change to just cite the LDC Section 25-8.
- On page 81, Subsection 4.11.3.A change to just cite the LDC Section 25-8.
- On page 81, Subsection 4.11.3.B change citation from the LDC Section 25-2-601 to the LDC Section 25-1-601 and from the LDC Section 25-2-063 to the LDC Section 25-1-603.
- On page 97, Subsection 6.4.1.B.4 modify to cite 6.4.1.B.1.
- On page 97, Subsection 6.4.1.B.5 modify to cite 6.4.1.B.1.
- On page 59, Subsection 4.2.4.D.2.b remove “Outdoor dining (not after 10:00 pm)” from list of permitted activities in the restricted use zone.
- On page 61, Subsection 4.2.4.D.4.b.ii should read “Automobiles in a parking structure must be screened from public view from the public right of way and from the triggering property.”
- On page 62, Subsection 4.2.4.E remove subsections 1 and 2 and modify subsection 3 to read “Variances may only be granted by the Board of Adjustment due to hardship, per LDC Section 25-2-473 (Variance Requirements).”
- On page 77, Subsection 4.9.3.C (paragraph after subsection 7) should read “Where private common open space areas, trails, parks, or other public spaces exist or are proposed in the Montopolis Greenbelt Trail route, the Country Club Creek Trail route, or in the City of Austin Trails Master Plan, Austin Parks and Recreation Long-Range Plan, Sidewalk Master Plan, or Bicycle Plan within or adjacent to the tract to be subdivided or developed, the private common open space or pedestrian amenity shall, to the maximum extent feasible, be located to adjoin, extend, and enlarge the presently existing or proposed trail, park, or other open area land. Public access easements may be required in order to guarantee public access to these facilities.”
- On page 97, Subsection 6.4.1.C.3 remove the \$.50 fee.
- On page 32, figure 2-1 make Congregate Living a permitted use in all East Riverside Corridor Subdistricts.
- On page 4, Subsection 1.2.3.D.1 should read “Development that does not require a site plan under LDC Section 25-5-2 (B), (C), (D.1.a. through i.), (E), (F), (G), (H), (I) or (J), except that Section 4.6 (Exterior Lighting) shall apply.”
- On page 15, modify the collector street map to account for an existing drainage way. See revised Figure 1-5: East Riverside Corridor Collector Street Map (November 8, 2012 draft) and associated Figure 1-3: East Riverside Corridor Roadway Type Map (November 8, 2012 draft).
- On page 51, Subsection 3.5.6.C should read “Alleys should be used mid-block for service access and shall not substitute for streets required to meet the minimum block size or connectivity requirements in this Section, but may be used for emergency vehicle access if approved by the Fire Department.”
- On pages 19-23, figures 1-9 to 1-13 change the following Floor-to-Area Ratio (FAR) in each figure to 60% of the minimum Floor-to-Area Ratio (FAR) allowed for each Subdistrict.
- On page 28, Land Use Table modify “Automotive Rentals, Automotive Repair Services, Automotive Sales, and Automotive Washing (of any type) to be conditional uses in the Neighborhood Mixed Use (NMU) Subdistrict with the following additional requirements. Land use cannot be utilized as a rationale to seek Alternative Equivalent Compliance.”
- On page 62, Subsection 4.2.4.D.5.b (Compatibility Standards – Additional Standards) should read “Any permanently placed refuse receptacle, including a dumpster, may not be located 50 feet or less from adjoining triggering property. The location of and access to any

- permanently placed refuse receptacle, including a dumpster, must comply with guidelines published by the City. The Planning and Development Review Department shall review and must approve the location of and access to each refuse receptacle on a property.”
- On page 62, Subsection 4.2.4.D.5.c (Compatibility Standards – Additional Standards) should read “Collection or dumping of any permanently placed refuse receptacle 100 feet or less from adjoining triggering property is prohibited between 10:00 pm and 7:00 am.”
  - On page 69, Subsection 4.4.3 (Shared Parking) should read “Optional Shared Parking.”
  - On page 69, Subsection 4.4.4 (Reduction of Minimum Off-Street Parking Requirements) should read “Optional Reduction of Minimum Off-Street Parking Requirements.”
  - On page 73, Subsection 4.7.2.B (Screening of Equipment and Utilities) delete “and acoustic impacts” to be consistent with proposed Subchapter E amendments.
  - On page 95, Subsection 6.3.2 (Density Bonus Standards) add at the end of paragraph, “If final bonus square footage is different than the amount estimated at the site plan approval stage, the public benefit requirements will be adjusted accordingly. The final public benefit requirements will be documented before a certificate of occupancy will be granted.”
  - On page 97, Subsection 6.4.1.B.4. (Affordability Requirements for Owner-Occupied Units) should read “Habitable space (as defined in Article 7 Definitions) as required in 6.4.1.A.1 shall be reserved as affordable through a City approved affordable housing land trust or other shared equity model approved by the Director of Neighborhood Housing and Community Development (NHCD), for not less than 99 years from the date of certificate of occupancy is issued, for ownership and occupancy by households earning no more than 80 percent of the Annual Median Family Income for the City of Austin Metropolitan Statistical Area as determined by the Director of NHCD.”
  - On page 97, Subsection 6.4.1.B.5 (Affordability Requirements for Rental Units) should read “Habitable space (as defined in Article 7 Definitions) as required in 6.4.1.A.1 shall be reserved as affordable, for a minimum of 40 years following the issuance of the certificate of occupancy, for rental by households earning no more than 60 percent of the Annual Median Family Income.”
  - On page 106, Article 7, add the following definition “Habitable space – Interior square footage designed for people to live in. Habitable space will be measured to the inside surface of the party or exterior walls of the unit.”
  - On page 7, add new Subsection A. Required Notice, Section 1.4.3 (Alternative Equivalent Compliance Procedure) to read: “If an applicant submits a request for Alternative Equivalent Compliance (AEC) for a site plan, city staff will send notification of that request to registered Neighborhood Organizations and the Neighborhood Plan Contact Teams with boundaries within 500 feet of the property for which the AEC is requested. Written comments about the AEC request maybe submitted to the Planning and Development Review Department site plan case manager within 14 days of the date AEC notice is sent. Staff will take comments into consideration during AEC review.”

The following amendments were approved on Council Member Morrison’s motion, Council Member Tovo’s second on a 7-0 vote.

- On page 97, Subsection 6.4.1.C.2 should read “The developer shall pay into the Transit Area Housing Assistance Fund 100 percent of the fee prescribed by ordinance for each square foot of the bonus area granted through the provision of this public benefit.”
- On page 97, Subsection 6.4.1.C3 should read “The fee to be paid into the City fund for each square foot of Bonus Area is established by ordinance. This fee should be reviewed as needed, or at least every 5 years.
- Add a new section to the ERC adoption ordinance that reads: The Transit-Area Housing Assistance Fund is established. The fee to be paid into the Transit-Area Housing Assistance Fund for each bonus square foot according to the East Riverside Corridor Regulating Plan, Subsection 6.4.1.C. (In-lieu fee for Affordable Housing) is established as \$.50.

The following amendments were approved on Council Member Tovo's motion, seconded by Council Member Morrison was approved on a 5-2 vote. Those voting aye were: Mayor Pro Tem Cole and Council Members Morrison, Riley, Spelman and Tovo. Those voting nay were: Mayor Leffingwell and Council Member Martinez.

- On page 27, Subsection 2.3.5.B (Drive-Through Facilities) should read, "A property containing a drive-through facility legally constructed or permitted prior to (insert ERC Regulating Plan adoption date), is not subject to this Subsection 2.3.5.A. for a period of five years after (insert ERC Regulating Plan adoption date). Construction on said properties can include the replacement of a drive-through facility, but construction will be subject to all standards in the ERC Regulating Plan according to the applicability standards in Section 1.2 Applicability. The number of drive through bays or lanes can only be increased from the number existing as of the above date using a conditional use permit. Five years after (insert ERC Regulating Plan adoption date), all existing drive-through facilities will be become subject to Article 7 Nonconforming Use and Article 8 Noncomplying Structures in the City LDC Sections 25-2-941 through 25-2-964, and existing drive-through facilities will no longer be able to be replaced. With reference to Article 7, all uses are governed by Group "D" regulations prescribed by Section 25-2-947."
- Page 72, Subsection 4.5 (Drive-Through Facilities) should read, "Unless legally constructed or permitted prior to (insert ERC Regulating Plan adoption date), drive-through facilities are not allowed in the ERC Zoning District. Five years after (insert ERC Regulating Plan adoption date), all existing drive-through facilities will become subject to Article 7 Nonconforming Use and Article 8 Noncomplying Structures in the City LDC Sections 25-2-941 through 25-2-964, and existing drive-through facilities will no longer be able to be replaced. With reference to Article 7, all uses are governed by Group "D" regulations prescribed by Section 25-2-947."

A substitute motion was approved on Council Member Riley's motion, Council Member Spelman's second on a 6-1 vote. Mayor Leffingwell voted nay.

On page 27, Subsection 2.3.5.B (Drive-Through Facilities) to insert after "all existing drive-through facilities will become subject to Article 7 Nonconforming Use and Article 8 Noncomplying Structures in the City LDC Section 25-2-941 through 25-2-964" the following: "unless the drive-through facilities are brought into conformance with the ERC design standards at which time they would be complying and conforming structures..."

Mayor Pro Tem Cole made a friendly amendment to amend page 27, Subsection 2.3.5.B (Drive-through Facilities) to read "...Seven years after (insert ERC Regulating Plan adoption date), all existing drive-through facilities..." The amendment was accepted by the maker and Council Member Morrison who seconded the motion.

The following amendment and friendly amendment was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote. To permit service stations currently in existence and not permit service stations not yet in existence throughout the Riverside Plan establishing the following two new uses. The uses are: service stations existing prior to May 9, 2013 will be permitted in CMU, NMU and IMU; and service stations not existing prior to May 9, 2013 be prohibited in the East Riverside Corridor. A friendly amendment was made by Council Member Riley to add "the use itself is not a justification for alternate compliance with the commercial design standards." The friendly amendment was accepted by the maker and Mayor Leffingwell who seconded the motion.

40. NPA-2012-0021.02 - East Riverside Corridor Regulating Plan (East Riverside/Oltorf Combined (ERO) 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.

**Ordinance 20130509-040 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Tovo recused herself.**

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.

**Ordinance 20130509-041 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

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.

**Ordinance 20130509-042 to grant East Riverside Corridor (ERC) district zoning with the exception of Tracts 6, 19 and 22 was approved on Council Member Morrison's motion, Mayor Pro Tem Cole's second on a 6-0 vote. Council Member Tovo recused herself.**

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

**The motion to rezone 2229 East Riverside Drive (Tract 22) to Commercial Mixed-Use (CMU) was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

**The motion to rezone 1725 East Riverside Drive (Tract 19) to Commercial Mixed-Use (CMU) was withdrawn by the applicant.**

**The motion to rezone 2001 East Riverside Drive (Tract 19) to Commercial Mixed-Use (CMU) was withdrawn by the applicant.**

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.

**Ordinance 20130509-043 to grant East Riverside Corridor (ERC) district zoning with the exception of tract 10 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**

**The motion to rezone 5600 East Riverside Drive (Tract 10) to Neighborhood Mixed-Use (NMU) was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole, Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.**

**A motion to grant the neighbor's request to not rezone 5617, 5701, 5709, and 5717 Penick Drive (Tract #10) was approved on Council Member Morrison's motion, Council Member Tovo's second on a 4-3 vote. Those voting aye were: Mayor Pro Tem Cole, Council Members Martinez, Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Council Members Riley and Spelman.**

**The motion to rezone 5602 Penick Drive (Tract 10) to Neighborhood Mixed-Use (NMU) was approved on Council Member Spelman's motion, Council Member Martinez' second on a 6-1 vote. Council Member Morrison voted nay.**

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.**

**Ordinance 20130509-044 to grant East Riverside Corridor (ERC) district zoning with the exception of tracks 15, 16, 17, and 31 was approved on Council Member Morrison’s motion, Council Member Spelman’s second on a 7-0 vote.**

**A motion to rezone Vargas Road, north of East Riverside Drive (ABS Delvalle S ACR 17.090) (Tract 16) to Neighborhood Mix-Use (NMU) was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.**

**A motion to rezone 1700 ½ Frontier Valley Road (Tract 15) to Neighborhood Residential (NR) was approved on Council Member Spelman’s motion, Council Member Morrison’s second on a 7-0 vote.**

**A motion to rezone 7600-7812 East Ben White Boulevard (Tract 17) to Commercial Mix-Use (CMU) was approved on Mayor Pro Tem Cole’s motion, Council Member Riley’s second on a 4-3 vote. Those voting aye were: Mayor Pro Tem Cole, Council Members Morrison, Riley and Tovo. Those voting nay were: Mayor Leffingwell, Council Members Martinez and Spelman.**

**A motion to rezone 6301 East Riverside Drive (Tract 31) to Commercial Mixed-Use (CMU) was withdrawn by the applicant.**

**Mayor Leffingwell adjourned the meeting at 9:30 p.m. without objection.**

**The minutes were approved on this the 23rd day of May 2013 on Mayor Pro Tem Cole’s motion, Council Member Spelman’s second on a 7-0 vote.**