



**Thursday, January 23, 2014**

The Austin City Council will convene at 10:00 AM on  
Thursday, January 23, 2014 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, (512) 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.**

**9:55 AM – Invocation**

Simone Talma Flowers, Executive Director, Interfaith Action of Central Texas

**10:00 AM – City Council Convenes**

**Consent**

**Approval of Minutes**

1. Approve the minutes of the Austin City Council special called meeting of December 5, 2013, work session of December 10, 2013 and regular meeting of December 12, 2013.

**Austin Energy**

2. Approve issuance of a rebate to EDR Austin LLC, dba 2400 Nueces, for the installation of energy efficient equipment at its facility located at 2400 Nueces St., Austin, Texas, in an amount not to exceed \$170,705.
3. Authorize negotiation and execution of an agreement with Crystal Mountain, to provide a performance-based incentive for the generation of solar energy at its facility located at 9433 Bee Cave Road, Austin, Texas, for an estimated \$36,419 per year, for a total amount not to exceed \$364,190 over a 10-year period.
4. Authorize negotiation and execution of an agreement with Woodmark Apartments, to provide a performance-based incentive for the generation of solar energy at its facility located at 1735 Rutland Drive, Austin, Texas, for an estimated \$24,645 per year, for a total amount not to exceed \$246,450 over a 10-year period.

**Austin Water Utility**

5. Authorize the negotiation and execution of an interlocal agreement with Board of Regents of the University of Texas System, for the design and construction of reclaimed water improvements required to be installed in the relocated segment of Red River Street between MLK and 15th Street, in an amount not to exceed \$650,000.

**Budget**

6. Approve a resolution requesting that the Travis Central Appraisal District conduct a 2013 reappraisal of properties affected by the October 2013 floods.
7. Approve an ordinance establishing the value of the exemption from ad valorem taxes for a portion of the appraised value of residential homesteads owned by individuals who are disabled or are 65 years of age or older.

### **Communications and Technology Management**

8. Authorize negotiation and execution of an interlocal agreement with Travis County for the one-time transfer of \$314,043 to the City for the purchase of, or reimbursement of costs for, 9-1-1 related equipment, maintenance, services and training to support the Combined Transportation, Emergency and Communications Center Public Safety and Emergency Management agencies. Related to Item #9.
9. Approve an ordinance amending the Fiscal Year 2013-2014 Communications and Technology Management Department Capital Budget (Ordinance No. 20130909-002) to accept and appropriate \$314,043 of Capital Area Council of Governments funds provided through Travis County for wireless information technology initiatives including 9-1-1 and Emergency Services operations. Related to Item #8.

### **Contract Management**

10. Authorize negotiation and execution of a professional services agreement with KLEINFELDER CENTRAL, INC., (staff recommendation) or one of the other qualified responders to RFQ Solicitation No. CLMP135, to provide engineering services for the Austin-Bergstrom International Airport Terminal Area Spalling Improvements - Part 2 (Upper Level Embankment) project in an amount not to exceed \$750,000.  
( Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 26.80% MBE and 15.80% WBE subconsultant participation. )
11. Authorize negotiation and execution of professional services agreements with the following five staff recommended firms or one of the other qualified responders: UNINTECH CONSULTING ENGINEERS, INC.; WISS, JANNEY, ELSTNER ASSOCIATES, INC.; P.E. STRUCTURAL CONSULTANTS, INC.; ENCOTECH ENGINEERING CONSULTANTS, INC.; AND DATUM ENGINEERS, INC. for the 2014 Structural Engineering Services Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$1,250,000 divided among the five firms.  
( Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise

Procurement Program) by meeting the goals with 15.80% MBE and 15.80% WBE participation. )

12. Authorize negotiation and execution of a professional services agreement with the following three staff recommended firms or one of the other qualified responders to RFQ solicitation No. CLMP131: HDR ENGINEERING, INC., FREESE AND NICHOLS, INC., and CPM CONSULTANTS, for the 2013 Construction Inspection Services Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$2,000,000 divided among the three firms.  
( Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. )
13. Authorize negotiation and execution of professional services agreements with the following five staff recommended firms or one of the other qualified responders: ENCOTECH ENGINEERING CONSULTANTS, INC. JOSE I. GUERRA, INC.; STANLEY CONSULTANTS, INC.; ACR ENGINEERING, INC.; and O'CONNELL ROBERTSON for the 2014 M.E.P. Engineering Services Rotation List for an estimated period of three years or until financial authorization is expended, with the total amount not to exceed \$1,500,000 divided among the five firms.  
( Notes: This contract will be awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation. )
14. Authorize execution of a change order to extend the construction contract with PEABODY GENERAL CONTRACTORS, INC. for the Large Diameter Waterline On-Call Services Indefinite Delivery/Indefinite Quantity Contract to extend the contract term, for five months, or until the authorized contract amount is expended. The change order does not incur any additional costs to the City, the contract amount remains \$5,816,133.  
( Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) with 75.68% WBE prime participation, 10.50% MBE and 0.59% WBE subcontractor participation to date including this change order. )
15. Authorize negotiation and execution of an amendment to the professional services agreement with CDM Smith Inc., for engineering services related to development of a Master Plan for the Hornsby Bend Biosolids Management Plant in the amount of \$400,000, for a total contract amount not to exceed \$1,949,832.  
( Notes: This contract was awarded in compliance with City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) with 14.32% MBE and 6.44% WBE subconsultant participation to

date. )

16. Authorize execution of a construction contract with SANTA CLARA CONSTRUCTION, LTD., for Wastewater Line Relay and Spot Repair Indefinite Delivery / Indefinite Quantity service contract for an initial year with up to 2 renewal options for a total contract amount not to exceed \$8,264,798.91. The duration may be extended until the contract amount is expended.  
( Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 90.31% MBE prime participation, 1.99% MBE and 2.14% WBE subcontractor participation. )
17. Authorize execution of a construction contract with S J LOUIS CONSTRUCTION OF TEXAS, LTD., for the East 5th Street Chilled Water Piping Extension from San Jacinto to Red River Phase II project, in the amount of \$4,290,938 plus a \$429,093.80 contingency, for a total contract amount not to exceed \$4,720,031.80.  
( Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.29% MBE and 1.70% WBE subcontractor participation. )
18. Authorize execution of a construction contract with S J LOUIS CONSTRUCTION OF TEXAS, LTD., for Harris Branch Interceptor “Lower B” project in the amount of \$4,111,964.29 plus a \$411,196.42 contingency, for a total contract amount not to exceed \$4,523,160.71  
( Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 6.42% MBE and 4.13% WBE subcontractor participation. )
19. Authorize execution of a construction contract with SOUTHLAND CONTRACTING, INC., for the North Acres Wastewater Tunnel Project in the amount of \$4,550,020.28 plus a \$227,501.01 contingency, for a total contract amount not to exceed \$4,777,521.29.  
( Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goals with 5.73% MBE and 1.28% WBE subcontractor participation. )
20. Authorize additional contingency to the construction contract with CENTRAL ROAD & UTILITY, LTD., for the Anderson Mill / US 183 Wastewater Improvement project, in the amount of \$138,783 for a total contract not to exceed \$1,720,399.40.  
( Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) with 61.72% MBE prime participation; 6.90% MBE and 2.48%

WBE subcontractor participation to date.)

## **Fire**

21. Authorize execution of an interlocal agreement between the City and Austin Community College (ACC) to provide Austin Fire Department cadets with completion certificates from ACC's Department of Continuing Education for training academy courses that are consistent with advanced certification from the Texas Commission on Fire Protection's curriculum and to convert the certificates to ACC college credit hours. The initial term of the agreement is one year and it will automatically renew on an annual basis unless terminated by either party.

## **Health and Human Services**

22. Approve negotiation and execution of an 11-month contract for early childhood services with CHILD INC in an amount not to exceed \$575,000, with one 12-month extension option not to exceed \$575,000, for a total contract amount not to exceed \$1,150,000.
23. Approve execution of Amendment No. 1 to the interlocal agreement for early childhood services with TRAVIS COUNTY to change the contract end date to September 30, 2014.
24. Approve an ordinance authorizing acceptance of \$134,398 in grant funds from the TEXAS DEPARTMENT OF STATE HEALTH SERVICES, and amending the Fiscal Year 2013-2014 Health and Human Services Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001), to appropriate \$134,398 for programs authorized under the Texas Health and Safety Code: Office of Public Health Practice Program, HIV Surveillance Control Program, Sexually Transmitted Disease Control , Refugee Health Screening Program, Tuberculosis (TB) Prevention and Control Federal Program, TB Prevention and Control State Program, Public Health Emergency Preparedness Program, Immunization Program and Community Diabetes.
25. Authorize the negotiation and execution of Amendment No. 3 to each of the juvenile delinquency prevention services contracts under the 78744 Community Youth Development Program as follows: increase the Mexic-Arte Museum contract by an amount not to exceed \$29,085.05 for a total contract amount not to exceed \$166,785.05; and increase the Theatre Action Project DBA Creative Action contract by an amount not to exceed \$29,000 for a total contract amount not to exceed \$177,040.82.

## **Library**

26. Approve an ordinance waiving up to \$2,280 in Library Department photo / digital scan reproduction and publication fees for Arcadia Press, Inc., in

exchange for agreements by Arcadia to pay the City royalty payments for use of certain Austin History Center historical photos in a book to be published by Arcadia.

### **Municipal Court**

27. Authorize negotiation and execution of an interlocal agreement with Travis County, through Travis County Services for the Deaf and Hard of Hearing, for sign language interpretation services for the Health and Human Services Department and Municipal Court in an amount not to exceed \$43,500 annually.

### **Neighborhood Housing and Community Development**

28. Approve an ordinance amending the Fiscal Year 2013-2014 Neighborhood Housing and Community Development Department Capital Budget (Ordinance No. 20130909-002) to increase appropriations by \$15,000,000 for affordable housing. Related to Item #29.
29. Approve a resolution declaring the City's official intent to reimburse itself from November 2013 Affordable Housing General Obligation Bonds to be issued for expenditures in the total amount of \$15,000,000. Related to Item #28.
30. Authorize negotiation and execution of Amendment No. 2 to the Fiscal Year 2013-2014 Service Agreement with the Austin Housing Finance Corporation in the amount of \$15,000,000 to fund housing and community development programs.

### **Parks and Recreation**

31. Authorize the conversion of City-owned land located at 4700 Winnebago Lane, managed by Austin Resource Recovery, to dedicated parkland and the execution of an instrument evidencing the conversion of the property to parkland for recordation in the official public records of Travis County, Texas. The property is approximately 9.41 acres of land out of Lot 1, Block E of the Missouri-Pacific Industrial Park, Section One, a subdivision situated in Travis County, Texas, acquired from Austin Resource Recovery.
32. Authorize execution of an amendment to the interlocal agreement with the Capital Area Council of Governments for the service and delivery of meals to Parks and Recreation Department facilities in the amount of \$110,500, for a total contract amount not to exceed \$292,500.

### **Planning and Development Review**

33. Approve a resolution authorizing the City's continued membership in the Capital Area Council of Governments and payment of the related

membership fee, in an amount not to exceed \$82,722.70.

34. Approve an ordinance adopting the first amendment to the Strategic Partnership Agreement between the City and Pilot Knob Municipal Utility District No. 2 to correct an error relating to the full purpose annexation conversion date.
35. Approve an ordinance adopting the first amendment to the Strategic Partnership Agreement between the City and Pilot Knob Municipal Utility District No. 3 to correct an error relating to the full purpose annexation conversion date.
36. Approve an ordinance adopting the first amendment to the Strategic Partnership Agreement between the City and Southeast Travis County Municipal Utility District No. 2 to correct an error relating to the full purpose annexation conversion date.
37. Approve an ordinance adopting the first amendment to the Strategic Partnership Agreement between the City and Southeast Travis County Municipal Utility District No. 3 to correct an error relating to the full purpose annexation conversion date.
38. Approve an ordinance adopting the first amendment to the Strategic Partnership Agreement between the City and Southeast Travis County Municipal Utility District No. 4 to correct an error relating to the full purpose annexation conversion date.

### **Police**

39. Approve a resolution authorizing the acceptance of \$63,000 in grant funding from the State of Texas, Governor's Office, Criminal Justice Division to implement the Austin Police Department project entitled Austin Police Services for Victims of Crime.
40. Approve an ordinance accepting \$63,000 in grant funds from the State of Texas, Governor's Office, Criminal Justice Division; and amending the Fiscal Year 2013-2014 Austin Police Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate \$63,000 for the project entitled Austin Police Services for Victims of Crime.

### **Public Works**

41. Authorize negotiation and execution of an amendment to the interlocal agreement between the City and Travis County for the extension of Parmer Lane from US 290 to SH 130 at Blue Bluff (future Braker Lane) project in the amount of \$630,500, for a total amount not to exceed \$3,532,965.
42. Authorize negotiation and execution of an interlocal agreement between the

City and the Texas Department of Transportation for materials inspection and testing services for the 2nd Street Bridge and Extension project in an amount not to exceed \$85,000.

### **Purchasing Office**

43. Authorize negotiation and execution of an interlocal agreement with Horry County, South Carolina to allow for cooperative procurement of goods and services.  
( Notes: This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is 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 contract. )
44. Authorize negotiation and execution of an interlocal agreement with Camino Real Regional Mobility Authority, El Paso, Texas to allow for cooperative procurement of goods and services.  
( Notes: This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is 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 contract. )
45. Authorize negotiation and execution of an interlocal agreement with the City of Round Rock, Texas to allow for cooperative procurement of goods and services.  
( Notes: This Interlocal Agreement is exempt from the MBE/WBE Ordinance. This exemption is 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 contract. )
46. Authorize award, negotiation and execution of a 36-month requirements service contract with Verizon Enterprise Services to provide Multiple Label Switching Services infrastructure from Verizon Network Operation Centers to the City of Austin in an amount not to exceed \$213,975.  
( 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 contract. )
47. Authorize award and execution of a 36-month requirements supply contract with Bound Tree Medical, to provide EMS and AFD with medical bags in an amount not to exceed \$80,537, with three 12-month extension options in an amount not to exceed \$26,846 per extension option, for a total contract amount not to exceed \$161,076.

( Notes: This contract will be 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. )

48. Authorize award and execution of requirements supply contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with FITNESS IN MOTION to provide treadmills for the Austin Fire Department, in an amount not to exceed \$73,600.  
( Notes: This contract will be 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 contract. )
49. Authorize award and execution of a 36-month requirements supply contract with SOUTHWEST GEO-SOLUTIONS, INC. DBA GEO-SOLUTIONS, INC., for erosion control materials in an amount not to exceed \$198,909 with three 12-month extension options in an amount not to exceed \$66,303 per extension option, for a total contract amount not to exceed \$397,818.  
( Notes: This contract will be 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. )
50. Authorize award and execution of a 36-month requirements supply contract with GUARDIAN INDUSTRIAL SUPPLY, LLC (WBE/FW) and SSPS, INC. DBA SMITH MANUFACTURING CO., to provide scarifier and planer replacement parts in a total amount not to exceed \$135,000, with three 12-month extension options in an amount not to exceed \$45,000 for each extension option, for a total contract amount not to exceed \$270,000.  
( Notes: This contract will be 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. )

### **Telecommunications and Regulatory Affairs**

51. Approve an ordinance amending the City Code relating to utility infrastructure joint-use agreements and management of utility infrastructure in City rights-of-way.

### **Transportation**

52. Approve an ordinance amending City Code Title 12 to prohibit vehicles stopping, standing, or parking in designated transit priority lanes, to provide for vehicle removal; to establish a penalty; and to provide for emergency passage.

## Item(s) from Council

53. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.
54. Approve an ordinance waiving certain fees and requirements for the Dell Children's Gala 2014 which is to be held on Saturday, January 25, 2014 at the Austin Convention Center.  
( Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Kathie Tovo )
55. Approve the waiver or reimbursement of certain fees and requirements under City Code Chapter 14-8, and authorize payment of certain costs for the City co-sponsored 2014 Martin Luther King, Jr. parade which is to be held Monday, January 20, 2014.  
( Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Mike Martinez )
56. Approve an ordinance waiving certain fees for the Chinese New Year Celebration sponsored by the Chinese Society of Austin which is to be held on Saturday, February 8, 2014 at the Asian American Resource Center.  
( Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Mike Martinez )
57. Approve an ordinance waiving certain fees for the Casa Marianella event sponsored by Casa Marianella which is to be held on Wednesday, March 26, 2014 at Fiesta Gardens.  
( Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo CO 2: Council Member Laura Morrison )
58. Approve an ordinance reimbursing certain fees for a kickball tournament sponsored by Austin Kickball Organization which was held Saturday, December 14, 2013 at the Montopolis Youth Sports Complex.  
( Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo CO 2: Mayor Pro Tem Sheryl Cole )
59. Approve a resolution directing the City Manager to research best practices for the development of self-contained living spaces 500 square feet and less (micro-units), to identify barriers to development, and report back to Council with recommendations for micro-unit development including necessary code amendments.  
( Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Chris Riley CO 2: Mayor Pro Tem Sheryl Cole )
60. Approve a resolution directing the Waterfront Planning Advisory Board to call additional meetings, as deemed necessary, in order to complete recommendations for density bonuses within the Waterfront Overlay and to

participate in public engagement activities for the small area planning initiative within the Waterfront Overlay.

( Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole )

61. Approve a resolution directing the City Manager to work with the Austin Gay and Lesbian Chamber of Commerce to evaluate the potential to expand the contract scope and consider increasing the contract amount in 2015 budget; to help facilitate collaboration with Austin Gay and Lesbian Chamber of Commerce and Austin Convention & Visitors Bureau to identify opportunities and recommendations to attract lesbian, gay, bisexual, and transgender -related tourism, events and conventions; and report to council on status by March 28, 2014.  
( Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member William Spelman CO 2: Mayor Pro Tem Sheryl Cole )

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

62. Set a public hearing to consider an ordinance amending City Code Title 25 to allow breweries to sell alcoholic beverages produced on-site, for on-site consumption. (Suggested date and time: February 13, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
63. Set a public hearing to consider an ordinance amending Chapter 25-2 (Zoning) regarding density bonus regulations in the Downtown Density Bonus Program and the Rainey Street Subdistrict. (Suggested date and time: February 13, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
64. Set a public hearing to consider a resolution regarding approval of the permanent use of approximately 23,183 square feet of land and temporary working space use of approximately 21,168 square feet of land for construction, use, maintenance, repair, replacement, and extension of Pressler Street 980 linear feet, including bicycle and pedestrian connectivity, right of way and drainage for the Pressler Street Extension Project, through dedicated parkland known as Lamar Beach in accordance with Chapter 26 of the Texas Parks and Wildlife Code. (Suggested date and time of the hearing: February 27, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
65. Set a public hearing to consider a request by the Radisson Hotel, located at 111 E. Cesar Chavez, to construct and operate a deck for its restaurant to be located on parkland directly behind the hotel and adjacent to the Ann and Roy Butler Hike and Bike Trail. (Suggested date and time, February 27, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
66. Set a public hearing to consider an ordinance amending City Code Title 25 to amend the occupancy limit for unrelated individuals in single-family zoned

property. (Suggested date and time: February 13, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

67. Set a public hearing to consider an ordinance creating an economic development program for and authorizing the negotiation and execution of an Economic Development Agreement with athenahealth, Inc. (Suggested date and time: January 30, 2014, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

## **Non-Consent**

### **Eminent Domain**

68. Approve a resolution authorizing the filing of eminent domain proceedings for the Howard Lane from Cameron Road to SH-130 Project for approximately 503 square feet of land for a permanent slope easement, being out of and a part of the Mariquita Castro League Survey No. 50, Abstract No. 160, in Travis County, Texas, same being a portion of the remainder of Lot A, M & J Addition Section 3, Recorded in Book 85, Page 1D-2A of the Plat Records of Travis County, Texas, conveyed to Cynthia S. Schneider AKA Cynthia S. Whitis by Special Warranty Deed executed on January 17, 2005 and filed for Record on February 10, 2005, Recorded in Document No. 2005022777 of the Official Public Records of Travis County, Texas, in the amount of \$1,010. The owner of the needed property interests is CYNTHIA S. SCHNEIDER, ALSO KNOWN AS CYNTHIA S. WHITIS, ALSO KNOWN AS CINDY WHITIS. The property is located at the northwest corner of the intersection of Howard Lane and Harris Branch Parkway, on the northeast side of Austin, Travis County, Texas. The general route covered by this project includes Howard Lane from Cameron Road/Harris Branch to Austin city limits, in Austin, Travis County, Texas, and is part of a larger County project that is planned to continue beyond Austin city limits to east of SH-130.

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

69. Approve third reading of ordinance amending City Code Chapter 25-2, Subchapter C, Article 3, Division 9 (University Neighborhood Overlay District Requirements) relating to affordable housing regulations in the university neighborhood overlay (UNO) district. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON AUGUST 22, 2013.
70. Approve third reading of 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. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON MAY 23, 2013.

### **10:30 AM - Morning Briefings**

71. Briefing on the Social Services Request for Application Process.
72. Staff presentation regarding a proposal to create an economic development program for athenahealth, Inc. (Public comment is permitted on this staff presentation).

### **12:00 PM - Citizen Communications: General**

Nicholas Lucier - Artificial water fluoridation.

Stephanie Nasr - Fluoride in the water

Emilio Chronis - ETHICAL controversy of artificial water fluoridation

Jason Needham - Water fluoride

Angelica Noyola - Community recommendations for the new Montopolis Recreation Center

Cody Huffman - Onion Creek flood damage is City Council's fault.

Mary Krenek - Fluoride

Robert Murray - The obvious need to re-integrate Austin's updated Energy Resource, Generation, and Climate Protection Plan

Alan Roddy - Lake Austin Task Force

Raymond Weyandt - Flooding in October 2013- FEMA Distaster Declaration Onion Creek

### **Executive Session**

73. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).
74. Discuss legal issues related to the transition to electing the council from single-member districts ( Private consultation with legal counsel - Section 551.071 of the Government Code).
75. Discuss legal issues related to the July 26, 2013 officer-involved shooting (Private consultation with legal counsel -Section 551.071 of the Government Code).
76. Discuss legal issues related to Mike Benavides, et. al v. City of Austin, No. A-11-CA-00438 LY, in the United States District Court, Western District of Texas, Austin Division (Private consultation with legal counsel- Section

551.071 of the Government Code).

**2:00 PM - Zoning and Neighborhood Plan Amendments (Public Hearings and Possible Action)**

77. NPA-2013-0019.01 – 710 East 41st Street (Commodore Perry Estate) – Approve second/third readings of an ordinance amending Ordinance No. 040826-056, the Central Austin 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 a portion of property locally known as 710 East 41st Street (Waller Creek Watershed) from Civic to Mixed Use land use. First Reading approved on December 12, 2013. Vote: 7-0. Owner/Applicant: Perry Estate, L.L.C. (Clark Lyda). Agent: Smith, Robertson, Elliott, Glen, Klein & Douglas, L.L.P. (David Hartman). City Staff: Maureen Meredith, 512-974-2695.
78. C14-2013-0040 – Commodore Perry Estate – Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 710 East 41st Street (Waller Creek Watershed) from family residence-conditional overlay-neighborhood plan (SF-3-CO-NP) combining district zoning for Tracts 1, 2 and 1A to community commercial-mixed use-conditional overlay-neighborhood plan (GR-MU-CO-NP) combining district zoning for Tracts 1 and 2, and community commercial-mixed use-conditional overlay-historic landmark-neighborhood plan (GR-MU-CO-H-NP) combining district zoning for Tract 1A, with conditions. First Reading approved on December 12, 2013. Vote: 7-0. Applicant: Perry Estate, L.L.C. (Clark Lyda). Agent: Smith, Robertson, Elliot, Glen, Klein & Douglas, L.L.P. (David Hartman). City Staff: Jerry Rusthoven, 512-974-3207.
79. NPA-2013-0011.02 - 4914 Bennett Avenue (Tomlinson's Feed & Pets, Inc.) - Conduct a public hearing and approve an ordinance amending Ordinance No. 020523-30, the North Loop 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 4914 Bennett Avenue (Boggy Creek Watershed) from Single Family to Mixed Use land use. Staff Recommendation: To grant Mixed Use/Office land use. Planning Commission Recommendation: To grant Mixed Use land use. Owner/Applicant: Tomlinson's Feed & Pets, Inc. (Scott Click). Agent: Thrower Design (A. Ron Thrower). City Staff: Maureen Meredith, 512-974-2695.
80. C14-2013-0021 - Tomlinson's Feed & Pets Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4914 Bennett Avenue (Boggy Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-mixed use-neighborhood plan (GR-MU-NP) combining district zoning. Staff Recommendation: To grant general office-mixed use-neighborhood plan (GO-MU-NP) combining

district zoning. Planning Commission Recommendation: To grant community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. Applicant: Tomlinson's Feed & Pets, Inc. (Scott Click). Agent: Thrower Design (Ron Thrower). City Staff: Jerry Rusthoven, 512-974-3207.

81. C14-2013-0092 - Eastside Lumber Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2915 and 3013 East Cesar Chavez Street (Lady Bird Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district for Tract One, and from general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning to family residence-neighborhood plan (SF-3-NP) combining district zoning for Tract Two. Staff Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract One and rural residence-neighborhood plan (RR-NP) combining district zoning for Tract Two. Planning Commission Recommendation: To grant general commercial services-mixed use-conditional overlay-neighborhood plan (CS-MU-CO-NP) combining district zoning for Tract One and rural residence-neighborhood plan (RR-NP) combining district zoning for Tract Two. Owner: RAM Ventures LLC (Randall A. Meek). Applicant: Land Answers, Inc. (Jim Wittliff). City Staff: Heather Chaffin, 512-974-2122.
82. C14-2013-0104 - Shelley Tract - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1700 West Avenue (Shoal Creek Watershed) from family residence (SF-3) district zoning to limited office-mixed use (LO-MU) combining district zoning. Staff Recommendation: To grant limited office-mixed use (LO-MU) combining district zoning. Planning Commission Recommendation: This case has been withdrawn by the Applicant. Applicant: Blue Dragon, Ltd. (Lance Farrell). Agent: Land Answers, Inc. (Jim Wittliff). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request.
83. C14-2013-0119 – Hyde Park Market – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4429 Duval Street (Waller Creek Watershed) from general commercial services-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-MU-V-CO-NP) combining district zoning to commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-mixed use-vertical mixed use building-conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Planning Commission Recommendation: To grant commercial-liquor sales-mixed use-vertical mixed use building-

conditional overlay-neighborhood plan (CS-1-MU-V-CO-NP) combining district zoning. Owner/Applicant: 720 Lamar Place L.C. (Guy Oliver). Agent: Husch Blackwell, L.L.P. (Nikelle Meade). City Staff: Wendy Rhoades, 512-974-7719.

84. C14-2013-0121 – 946 E. 51st Street Rezoning – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 946 East 51st Street (Tannehill Branch Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to community commercial-neighborhood plan (GR-NP) combining district zoning. Staff Recommendation: To grant community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. Planning Commission Recommendation: To grant community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning. Owner/Applicant: Harmony Cottages, LLC (Ron Ginor). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 512-974-7719.
85. C14-2013-0126 – Archhill Zoning – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 11914, 11915 and 11919 Archhill Drive (Bull Creek Watershed) from single family residence-large lot (SF-1) district zoning to townhouse & condominium residence (SF-6) district zoning. Staff Recommendation: To grant single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To be reviewed on January 21, 2014. Owner/Applicant: Cindy Spoons; Jeffrey and Pamela Savage; Robin and Thomas Tucker. Agent: Site Specifics (John Hussey). City Staff: Sherri Sirwaitis, 512-974-3057. A valid petition has been filed in opposition to this rezoning request.
86. C14-2013-0133 – 920 E. 53rd Street – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 920 East 53rd Street (Tannehill Branch Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Staff Recommendation: To grant single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Planning Commission Recommendation: To grant single family residence-small lot-neighborhood plan (SF-4A-NP) combining district zoning. Owner/Applicant: Pamela Romero and Richard Kallus. City Staff: Wendy Rhoades, 512-974-7719.
87. C14-2013-0138 – Nightcap Dessert Lounge – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1401 West 6th Street (Lady Bird Lake Watershed) from limited office-neighborhood plan (LO-NP) combining district zoning to community commercial-vertical mixed use building-neighborhood plan (GR-V-NP) combining district zoning. Staff Recommendation: To grant

community commercial-vertical mixed use building-neighborhood plan (GR-V-NP) combining district zoning. Planning Commission  
Recommendation: To grant community commercial-conditional overlay-neighborhood plan combining (GR-CO-NP) district zoning.  
Owner/Applicant: AGSA Group, L.L.C. (Gretchen Alley). Agent: Christin Rowan. City Staff: Sherri Sirwaitis, 512-974-3057.

88. C14-2013-0142 – Sam Builders – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2207 West Parmer Lane (Walnut Creek Watershed) from neighborhood commercial (LR) district zoning to neighborhood commercial-mixed use (LR-MU) combining district zoning. Staff Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-mixed use-conditional overlay (LR-MU-CO) combining district zoning.  
Owner/Applicant: SAM Builders, L.L.C. (Saeed A. Minhas). Agent: Bennett Consulting (Rodney Bennett). City Staff: Sherri Sirwaitis, 512-974-3057.
89. C14-2013-0143 – 3105 West Slaughter Lane – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3103 and 3105 West Slaughter Lane (Slaughter Creek Watershed-Barton Springs Zone) from single family residence-standard lot (SF-2) district zoning to limited office-conditional overlay (LO-CO) combining district zoning, as amended. Staff Recommendation: To grant limited office-mixed use (LO-MU-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant limited office-conditional overlay (LO-CO) combining district zoning. Owner/Applicant: Philip and Mary Ellen Doak. Agent: McLean & Howard, LLP (Jeffrey S. Howard). City Staff: Wendy Rhoades, 512-974-7719.
90. C14-2013-0145 – Cardinal 1.03 – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 2416 Cardinal Loop (Colorado River Watershed) from interim-single family residence-standard lot (I-SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Owner/Applicant: KAF II Development Company (Ford Smith, Jr.). Agent: Jim Bennett Consulting (Jim Bennett). City Staff: Wendy Rhoades, 512-974-7719.
91. C14-2013-0146 – Volente Business Park – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by zoning property locally known as 11901 Anderson Mill Road (Lake Travis Watershed) from interim-rural residence (I-RR) district zoning to community commercial (GR) district zoning for Tract 1 and commercial-liquor sales (CS-1) district zoning

for Tract 2. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning for Tract 1 and commercial-liquor sales-conditional overlay (CS-1-CO) combining district zoning for Tract 2. Owner/Applicant: Johnson Four Corners (Brent Johnson). Agent: McLean & Howard, LLP (Jeffrey S. Howard). City Staff: Sherri Sirwaitis, (512) 974-3057.

92. C14-02-0183(RCT) - Restrictive Covenant Termination - Conduct a public hearing and approve a restrictive covenant termination on property locally known as 1120 Tillery Street (Boggy Creek Watershed). Staff Recommendation: To grant the restrictive covenant termination. Planning Commission Recommendation: To deny the restrictive covenant termination. Owner: Paul Saustrup. Applicant: Hector Avila. City Staff: Heather Chaffin, 512-974-2122.
93. C814-88-0001.10 (RCA) - Canyons @ Rob Roy Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 800 North Capital of Texas Highway (Bee Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning, to change a condition of zoning. Applicant: Brandywine Acquisition Partners (Ralph Bistline). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Wendy Rhoades, 512-974-7719.
94. C814-88-0001.10 - Canyons @ Rob Roy Rezoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 800 North Capital of Texas Highway (Bee Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant planned unit development (PUD) district zoning, to change a condition of zoning. Applicant: Brandywine Acquisition Partners (Ralph Bistline). Agent: Armbrust & Brown, PLLC (Richard Suttle). City Staff: Wendy Rhoades, 512-974-7719. A valid petition has been filed in opposition to this rezoning request.
95. C814-2012-0085.01 – Estancia Hill Country PUD - First Amendment – Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 12814 Interstate

Highway 35 South and FM 1327 (Purveyar Road) at South IH 35 Service Road Southbound (Onion Creek Watershed) from planned unit development (PUD) district zoning to planned unit development (PUD) district zoning, to change a condition of zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To be reviewed on January 21, 2014. 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); Lennar Homes of Texas Land and Construction, LTD (Ryan Mattox). Agent: City of Austin-Planning and Development Review Department. City Staff: Wendy Rhoades, 512-974-7719.

### **3:00 PM - Austin Housing and Finance Corporation Meeting**

96. The Mayor will recess the City Council meeting to conduct a Board of Directors' Meeting of the Austin Housing Finance Corporation. Following adjournment of the AHFC Board meeting the City Council will reconvene. (The AHFC agenda is temporarily located at <https://austin.siretechnologies.com/sirepub/mtgviewer.aspx?meetid=511&doctype=AGENDA>)

### **4:00 PM - Public Hearings and Possible Actions**

97. Conduct a public hearing and consider an ordinance to amend Title 25 of the City Code to allow placement of accessible ramps in required yards setback.
98. Conduct a public hearing and consider an ordinance approving a consent agreement for the Cascades Municipal Utility District No. 1 ("MUD") subject to adoption of an ordinance approving a strategic partnership agreement between the City and the MUD.
99. Conduct a public hearing and consider an ordinance amending Chapter 25-10 to establish regulations for special event signs.
100. Conduct a public hearing and consider an appeal by co-applicants Rick Engel, Joseph Longaro, and Jimmy Nassour regarding the Planning Commission's denial of a conditional use permit and waiver for Little Woodrow's, located at 5425 Burnet Road.

### **5:30 PM - Live Music**

La Vida Buena

### 5:30 PM - Proclamations

Community Service Award -- Hispanic Bar Association -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Lulu Flores and Renee Castillo-De La Cruz

Distinguished Service Award -- Kathy Gray, CTM -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by the honoree

Presentation to Austin Water Utility by EPA Representative Jerry Saunders to be accepted by Raj Bhattarai

### Adjourn

 *The City of Austin is committed to compliance with the Americans with Disabilities Act. Reasonable modifications and equal access to communications will be provided upon request.*

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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 (512) 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 (512) 974-2210 con anticipo o informe al personal del Secretario/a Municipal presente en la sesión del Consejo.