

**AUSTIN CITY COUNCIL  
MINUTES****REGULAR MEETING  
THURSDAY, JANUARY 30, 2014**

**Invocation:** Pastor Rodney Shaw, New Life Pentecostal Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, January 30, 2014 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:05 a.m.

**CONSENT AGENDA**

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of January 21, 2014 and regular meeting of January 23, 2014.  
**The minutes from the City Council work session of January 21, 2014 and regular meeting of January 23, 2014 were approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
2. Authorize negotiation and execution of an agreement with Cedars International Academy, to provide a performance-based incentive for the generation of solar energy at its facility located at 8416 North IH 35 in Austin, Texas, for an estimated \$17,434 per year, for a total amount not to exceed \$174,340 over a 10-year period. Recommended by the Electric Utility Commission.  
**The motion authorizing the negotiation and execution of an agreement with Cedars International Academy was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

**Item 3 was pulled for discussion.**

4. Authorize negotiation and execution of a Family Business Loan Program loan to 11E5 LLC consisting of a building renovation loan not to exceed \$167,345 and a working capital loan not to exceed \$166,484, for a total loan amount not to exceed \$333,829, for redevelopment of property at 1100 East Fifth Street to create a farmer's market.  
**This item was postponed on consent to February 13, 2014 on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
5. Authorize negotiation and execution of Amendment # 4 to the Agreement with CAPITAL INVESTING IN DEVELOPMENT AND EMPLOYMENT OF ADULTS, INC. (CAPITAL IDEA), to increase funding in an amount not to exceed \$200,000, for a total 30-month contract not to exceed \$3,520,200 for the

period April 1, 2012 through September 30, 2014, with two (2) 12-month contract extension options in the amount of \$1,130,650 per extension option, for a total contract amount not to exceed \$4,878,250.

**The motion authorizing the negotiation and execution of amendment number four to the agreement with Capital Investing in Development and Employment of Adults, Inc. (Capital Idea) was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

6. Authorize negotiation and execution of Amendment # 1 to the Agreement with SKILLPOINT ALLIANCE, to increase funding in an amount not to exceed \$150,000 for programs to ensure that residents of Central Texas have the opportunity for career advancement and lifelong learning, and extend the contract period to September 30, 2014, for a contract amount not to exceed \$300,000 with one 12-month contract renewal in the amount of \$150,000, for a total contract amount not to exceed \$450,000.  
**The motion authorizing the negotiation and execution of amendment number one to the agreement with Skillpoint Alliance was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
7. Approve a settlement of claims asserted by the United States Department of Justice concerning hiring practices within the Austin Fire Department.  
**This item was postponed on consent to February 27, 2014 on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
8. Authorize negotiation and execution of a 36-month lease renewal for approximately 1,440 square feet of nutritional counseling space for the Women Infants and Children Program of the Health and Human Services Department, located at 443 Highway 71 West, Bastrop, Texas, from BASTROP MARKETPLACE, LTD., in an amount not to exceed \$73,800.  
**The motion authorizing the negotiation and execution of a lease renewal from Bastrop Marketplace, LTD. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
9. Approve an ordinance amending Ordinance No. 20100930-038 to correct an error on the approved Exhibit B of the Castle Hill Local Historic District.  
**Ordinance No. 20140130-009 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
10. Approve an ordinance authorizing acceptance of \$3,444 in grant funds from the Texas Historical Commission and amending the Fiscal Year 2013-2014 Planning and Development Review Department Operating Budget Special Revenue Fund (Ordinance No. 20130909-001) to appropriate funds for rehabilitating the roof on a historic building in the City's Oakwood Cemetery Annex.  
**Ordinance No. 20140130-010 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
11. Authorize award, negotiation, and execution of a contract with AMATERRA ENVIRONMENTAL, INC. to provide cemetery consulting services in an amount not to exceed \$200,934. (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.)  
**This item was postponed on consent to February 27, 2014 on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
12. Authorize award and execution of a 24-month supply contract through the Houston-Galveston Area Council Cooperative with TOTER, LLC for the purchase of residential garbage, organic materials, and single-stream recycling carts in an amount not to exceed \$6,693,602. (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.)

**The motion authorizing the award and execution of a supply contract through the Houston-Galveston Area Council Cooperative with Toter, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

13. Authorize award and execution of a 12-month requirements supply agreement with AUSTIN RIBBON & COMPUTER SUPPLIES INC, for the purchase of laptops, associated docks, and DVR's for use in public safety vehicles in an amount not to exceed \$2,500,000, with three 12-month extension options in an amount not to exceed \$2,500,000 per extension option, for a total contract amount not to exceed \$10,000,000. (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.)

**The motion authorizing the award and execution of a requirements supply agreement with Austin Ribbon & Computer Supplies, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

14. Authorize award and execution of a contract with BULLEX, INC. for the purchase of one Smart Fire Safety and Emergency Training Trailer in an amount not to exceed \$94,900. (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.)

**The motion authorizing the award and execution of a contract with Bullex, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

15. Authorize award and execution of a 36-month requirements supply contract with INDUSTRIAL DISPOSAL SUPPLY CO., INC., to provide OEM Parts and Repair Services for TYMCO Street Sweepers in an amount not to exceed \$384,400, with three 12-month extension options in an amount not to exceed \$140,915 for the first extension option, \$147,861 for the second extension option, and \$155,154 for the third extension option, for a total contract amount not to exceed \$828,330. (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.)

**The motion authorizing the award and execution of a requirements supply contract with Industrial Disposal Supply Co., Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

16. Authorize award, negotiation, and execution of a 24-month requirements service agreement with THE UNITED STATES BUSINESS COUNCIL FOR SUSTAINABLE DEVELOPMENT, or one of the other qualified offerors to RFP SDC0008 to design, develop and maintain a materials exchange system in an amount not to exceed \$415,899, with four 12-month extension options in an amount not to exceed \$156,577 per extension option, for a total contract amount not to exceed \$1,042,207. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 2.40% MBE and 3.66% WBE subcontractor participation.)

**The motion authorizing the award, negotiation and execution of a requirements service agreement with The United States Business Council for Sustainable Development was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

17. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (TXMAS) with POLARIS SALES, INC. for the purchase of four light-duty all-terrain vehicles in an amount not to exceed \$67,947. (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.)

**The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (TXMAS) with Polaris Sales, Inc. was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

**Item 18 was pulled for discussion.**

19. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.  
**The following appointments were approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

#### Nominations

##### Board/Nominee

##### Nominated by

Asian American Quality of Life Advisory Commission  
Miyong Kim

Council Member Riley

Sustainable Food Policy Board  
Mindy Cooper

Council Member Riley

#### Waivers

There are no waivers scheduled for today.

20. 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).  
**The public hearing was set on consent for February 27, 2014 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX. on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole recused herself.**
41. Authorize additional funding in an amount not to exceed \$6,000,000 to the 2013 Job Order Contract with KBR, LLC, Warden Construction Corp., and Jamail & Smith Construction LP, for City Facilities Improvements based on work authorization and availability. (Notes: This contract was awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) with 5.88% MBE and 1.81% WBE subcontractor participation to date.)  
**The motion authorizing the additional funding in an amount not to exceed \$6,000,000 to the 2013 Job Order Contract with KBR, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
42. Authorize negotiation and execution of a Job Order Assignment to KBR, LLC, to renovate existing office space at City Hall to accommodate four new council members for an amount not-to-exceed \$1,100,000 plus \$55,000 contingency for a total not to exceed amount of \$1,155,000. Related to Item #43. (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 with 5.88% MBE and 1.81% WBE subcontractor participation.)

**The motion authorizing the negotiation and execution of a job order assignment to KBR, LLC was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

43. Authorize negotiation and execution of a Job Order Assignment to Jamail & Smith Construction, to renovate existing Council Chambers and Executive Session Conference Room to accommodate four new Council members for an amount not-to-exceed \$503,000 plus \$25,000 contingency for a total not to exceed amount of \$528,000. Related to Item #42. (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 with 5.88% MBE and 1.81% WBE subcontractor participation.)

**The motion authorizing the negotiation and execution of a job order assignment to Jamail & Smith Construction was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

44. Authorize execution of a construction contract with JAY-REESE CONSTRUCTORS, INC., for the River Plantation Bridge Approach project in the amount of \$747,775.70 plus a \$112,166.36 contingency, for a total contract amount not to exceed \$859,942.06. Related to Item #45. (Notes: This contract was awarded in compliance with Chapter 2-9A of the City Code (Minority Owned and Women Owned Business Enterprise Procurement Program). This is a health and safety contract; therefore, it is exempt under Chapter 252.022 of the Texas Local Government Code and no goals were established for this solicitation.)

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

45. Approve an ordinance amending the Fiscal Year 2013-2014 Public Works Department Transportation Fund Operating Budget (Ordinance No. 20130909-001) to increase the transfer out in an amount not to exceed \$1,072,000 and decrease the Public Works Department Transportation Fund Ending Balance in an amount not to exceed \$1,072,000; and amending the Fiscal Year 2013-2014 Public Works Department Capital Budget (Ordinance No. 20130909-002) to transfer in and appropriate an amount not to exceed \$1,072,000 for the River Plantation Bridge Approach project.. Related to Item #44.

**Ordinance No. 20140130-045 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

46. Authorize award, negotiation and execution of two 24-month requirements service contracts with BRAD NORTON and FREDERICK HAWKINS, or another qualified Offeror to RFP No. OPJ0106, for Hearings Officer services for various City departments, in an amount not to exceed \$120,000 each and combines, with two 24-month extension options in an amount not to exceed \$120,000 each and combined per extension option, for a total contract amount not to exceed \$360,000 each and combined. (Notes: These contracts 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.) Recommended by the Electric Utility Commission.

**The motion authorizing the award, negotiation and execution of two requirements service contracts with Brad Norton and Frederick Hawkins was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

47. Approve a resolution reflecting City of Austin support for the Mexic-Arte Museum's application for Federal New Market Tax Credits to be used in conjunction with City bond funds to design and construct a new museum facility, and requesting the City Manager to take certain action to demonstrate that support. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member William Spelman CO 2: Council Member Mike Martinez)

**Resolution No. 20140130-047 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

**Item 48 was pulled for discussion.**

49. Approve a resolution waiving Section 14-8-15(B) requirements concerning changing the location, nature, or character of a right-of-way event to allow relocation of the Pecan Street Festival and the possible addition of a race. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Council Member Mike Martinez CO 2: Council Member Chris Riley)  
**Resolution No. 20140130-049 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
50. Approve an ordinance waiving or reimbursing certain parking fees for the Austin Children's Shelter benefit event sponsored by Austin Children's Shelter which is to be held on Friday, February 21, 2014 at the Parish and the Parish Underground. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Kathie Tovo)  
**Ordinance No. 20140130-050 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**
51. Approve an ordinance waiving or reimbursing certain parking fees for the Carp Anglers event sponsored by the Carp Anglers Group which is to be held on Friday and Saturday, February 21-22, 2014 at Lady Bird Lake. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Laura Morrison)  
**Ordinance No. 20140130-051 was approved on consent on Mayor Pro Tem Cole's motion, Council Member Morrison's second on a 7-0 vote.**

Item 21 was a closed public hearing item

Item 22 was a briefing item set for 10:30 a.m.

Items 23 through 25 were Executive Session items.

Items 26 through 35 were zoning items set for 2:00 p.m.

Items 36 through 40 were public hearing items set for 4:00 p.m.

Items 41 through 51 were addendum items.

**DISCUSSION ITEMS**

3. Authorize reimbursement of costs to Austin 18 Hotel, LLC, an Indiana Limited Liability Company, for the purchase of heat exchangers required to interconnect the JW Marriott Hotel to Austin Energy's Downtown District Cooling System, in an amount not to exceed \$295,000.  
**The motion authorizing the reimbursement of costs to Austin 18 Hotel, LLC was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 6-1 vote. Council Member Tovo voted nay.**

**BRIEFINGS**

22. Briefing on potential financial and payment assistance options for small businesses and minority- and women owned businesses. (Follow-up from Council Resolution No. 20131024-055).  
**The presentation was made by Veronica Lara, Director, Department of Small and Minority Business Resources.**

**DISCUSSION ITEMS CONTINUED**

18. Authorize negotiation and execution of an interlocal agreement between the City and The University of Texas to utilize the Sustainable Communities Scenario Software Suite to analyze the Project Connect: Central Corridor high-capacity transit project, for a total contract amount not to exceed \$85,090.  
**The motion authorizing the negotiation and execution of an interlocal agreement between the City and The University of Texas was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**

#### **CITIZEN COMMUNICATIONS: GENERAL**

Brian McGiverin - TBD

Zoila Vega - Board Working Groups

Jose Quintero - Jose Quintero with the Greater East Austin Neighborhood Associations. The # one racist city in the United States. Gentrification planners, displacement of poor neighborhoods, closing of schools, code enforcement criminals, and high taxes. **Not present when the name was called.**

Debbra Parker - Airgap provisions for childcare centers.

Pat Smith - The indirect connection plumbing requirement for childcare centers where food is not prepared.

Edward Sledge - Distracted driving.

Danielle Wright - Slaughter East Development.

John Goldstone - Affordable Housing and Land Development Regulations.

Ronnie Reefersseed - Peace and Freedom.

Alan Roddy - Lake Austin Taskforce.

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

21. Approve third reading of an ordinance amending Article 11 of City Code Chapter 25-12, the Residential Code, to require additional accessibility or visibility standards for residential single-family and duplex construction. THE PUBLIC HEARING FOR THIS ITEM WAS HELD AND CLOSED ON MAY 23, 2013.  
**There was a motion made by Council Member Morrison and seconded by Council Member Tovo to approve the ordinance.**

**There was a substitute motion made by Mayor Leffingwell and Council Member Spelman to postpone this item until staff has completed a report outlining waiver procedures. This motion failed on a vote of 2-5. Those voting aye were: Mayor Leffingwell and Council Member Spelman. Those voting nay were: Mayor Pro Tem Cole and Council Members Martinez, Morrison, Riley and Tovo.**

**There was a motion made by Council Member Riley and second by Council Member Spelman to amend part 2 of the ordinance to read as follows. The motion was approved on a 7-0 vote. Part 2 should read, " Section R320.7 and Subsection R320.7.1, as adopted in Part 1 of this 34 ordinance, are effective on July 1, 2015 for new permits applied for on or after that date."**

There was a friendly amendment made by Council Member Riley to have R320.4, 2 of the ordinance read as follows. The amendment was accepted by the maker and Council Member Tovo, who made the second. R320.4, 2 should read, "outlets and receptacles must be a minimum of 15 inches above the interior floor level. Except for floor outlets and receptacles."

Ordinance No. 20140130-021 was approved with the amendment and friendly amendment listed above and the following direction on Council Member Morrison's motion, Council Member Tovo's second on a 6-1 vote. Mayor Leffingwell voted nay. Direction was given to staff to offer if any were necessary additional conditions under which it would be appropriate from staff's point of view to grant a waiver.

Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 1:40 p.m.

### **EXECUTIVE SESSION**

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

23. Discuss legal issues related to Open Government matters (Private consultation with legal counsel - Section 551.071 of the Government Code).  
**This item was withdrawn.**
24. 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).  
**This item was withdrawn.**
25. Discuss legal issues related to Austin Fire Department hiring process (Private consultation with legal counsel - Section 551.071 of the Government Code).

Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 3:04 p.m.

### **DISCUSSION ITEMS CONTINUED**

48. Approve a resolution directing the City Manager to calculate an affordability benchmark that measures residents' ability to pay for general fund services. This benchmark shall serve as a guide during the annual budget process. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Lee Leffingwell)  
**Resolution No. 20140130-048 was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.**

### **ZONING ORDINANCES / RESTRICTIVE COVENANTS**

26. C14-2013-0057 - City of Austin-Austin Water Utility - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3500 West 35th Street (Taylor Slough North Watershed; Huck's Slough Watershed) from family residence (SF-3) district zoning to public (P) district zoning. First Reading approved on August 22, 2013. Vote: 7-0. Owner/Applicant: City of Austin-Austin Water Utility (Chris Wolter). Agent: AECOM Technical Services, Inc. (Allison Kennaugh). City Staff: Wendy Rhoades, 512-974-7719.  
**Ordinance No. 20140130-026 for public (P) district zoning was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**



27. C14-2013-0110 - 6507, 6603, 6505 E. Riverside Drive & 2108 Thrasher Lane - Conduct a public hearing and approve an ordinance amending Ordinance 20130509-039, which included the adoption of the East Riverside Corridor Regulating Plan, to amend Figure 1-2 (East Riverside Corridor Subdistrict Map) of the East Riverside Corridor Regulating Plan, from Neighborhood Residential subdistrict to Corridor Mixed Use subdistrict, for that portion of the property which is designated Neighborhood Residential subdistrict, on property locally known as 6507, 6603, 6505 East Riverside Drive and 2108 Thrasher Lane (Carson Creek Watershed). Staff Recommendation: To grant an amendment to Figure 1-2 of the East Riverside Corridor Regulating Plan to Neighborhood Mixed Use subdistrict, for the property described above. Planning Commission Recommendation: To be reviewed on April 22, 2014. Owner: Dempsey Buchanan LP (David Buchanan). Applicant: Binkley & Barfield Consulting Engineers (Rey Gonzalez, P.E.). City Staff: Erica Leak, 512-974-2856; Lee Heckman, 512-974-7604.  
**This item was postponed on consent to May 15, 2014 at the applicant's request on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
29. C14H-2013-0140 - Louis C., Jr. and Virginia Nalle Page House - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 2507 Kenmore Court (Shoal Creek Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicant: Sarah Crocker, Crocker Consulting, agent. City Staff: Steve Sadowsky, 512-974-6454.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140130-029 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
30. 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.  
**This item was postponed on consent to February 13, 2014 at the staff's request on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
34. NPA-2013-0019.01 - 710 East 41st Street (Commodore Perry Estate) - Approve third reading 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.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140130-034 to change the land use designation on the future land use map (FLUM) to Mixed Use land use was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

35. C14-2013-0040 - Commodore Perry Estate - Approve third reading 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.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140130-035 for 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 was approved on consent on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

### **ZONING DISCUSSION ITEMS**

32. 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.

**This item was postponed to February 13, 2014 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

28. C14-2013-0144 - Crescent Tract - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 812 1/2 West Second Street (Lady Bird Lake Watershed) from downtown mixed use-conditional overlay (DMU-CO) combining district zoning to public (P) district zoning. Staff Recommendation: To grant public (P) district zoning. Planning Commission Recommendation: To grant public (P) district zoning. Owner: Austin Energy (Sonny Poole). Applicant: Austin Energy (Eben Kellogg). City Staff: Lee Heckman, 512-974-7604.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20140130-028 for public (P) district zoning was approved on Council Member Spelman's motion, Council Member Martinez' second on a 6-1 vote. Council Member Riley voted nay.**

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

**Items 36 and 37 were acted on in a combined motion.**

36. Conduct a public hearing and consider an ordinance amending City Code Chapters 25-1 and 25-5 relating to vested development rights under Chapter 245 and Section 43.002 of the Texas Local Government Code.

**This item was postponed to March 6, 2014 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

37. Conduct a public hearing and consider approving the Master Plan for Holly Shores/Edward Rendon Sr. Park at Festival Beach, Fiesta Gardens as developed in conjunction with Michael Van Valkenburgh & Associates, Inc. and the Austin Parks and Recreation Department. The Master Plan area includes

approximately 9 acres of newly dedicated parkland and approximately 90 acres of existing parkland along the north shore of Lady Bird Lake from I-35 east to Pleasant Valley Road and south of Canterbury Street. **This item was postponed to February 27, 2014 on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

### **ZONING DISCUSSION ITEMS CONTINUED**

31. 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.  
**The public hearing was conducted and the motion to close the public hearing and deny the restrictive covenant termination was approved on Council Member Martinez' motion, Mayor Pro Tem Cole's second on a 5-1 vote. Mayor Leffingwell was off the dais. Council Member Spelman voted nay.**

**Mayor Pro Tem Cole recessed the Council Meeting to go into Live Music and Proclamation at 5:23 p.m.**

### **LIVE MUSIC**

Cheryl Murdock

### **PROCLAMATIONS**

Proclamation -- Mack and Sally Brown Day -- to be presented by Mayor Lee Leffingwell and to be accepted by the honorees

Distinguished Service Award -- Karon Teague, OCC -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- National Black HIV/AIDS Awareness Day -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by Carlos Rivera, Clyde Boyd and Sam Price

Proclamation -- Teen Dating Violence Awareness and Prevention Month -- to be presented by Council Member Laura Morrison and to be accepted by Kirsha Haverlah

Honorary Citizen Certificates – Xishuangbanna **Sister** City Business Delegation – to be presented by Council Member Kathie Tovo and to be accepted by the honorees

**Mayor Leffingwell called the Council Meeting back to order at 7:08 p.m.**

### **ZONING DISCUSSION ITEMS CONTINUED**

33. 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.

The public hearing was conducted and the motion to close the public hearing and approve the first reading of the ordinance was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.

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

39. 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.

**This item was postponed to February 13, 2014 without objection.**

38. Conduct a public hearing and consider an ordinance creating an economic development program with athenahealth, Inc., and authorizing the negotiation and execution of an Economic Development Agreement with athenahealth, Inc.

**The public hearing was conducted and the motion to close the public hearing and approve Ordinance No. 20140130-038 with the following amendments to the Economic Development Agreement and direction was approved on Mayor Pro Tem Cole's motion, Mayor Leffingwell's second on a 5-2 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman. Those voting nay were: Council Members Morrison and Tovo.**

**The amendments to the Economic Development Agreement were:**

**Section 1.01, Investment in the Desired Development Zone should read "The Company shall expand its IT Services Center (the "IT Services Center") in the Central Business District in Austin, Texas. The Company shall..."**

**Section 1.03(c), Recruitment should read "The Company shall adhere to its equal employment policies and practices (attached hereto as Exhibit A), and ensure that such policies and practices protect employees at the IT Services Center from discrimination based on sexual orientation and gender identity."**

**Add Section 1.09, Construction Worker Requirements.**

- (a) Company agrees to pay and shall require its contractors to pay workers retained for any construction on the Project described in Section 1.01 (Investment in the Desired Development Zone), including remodeling and leasehold improvements, a minimum hourly wage of \$11.00 per hour.**
- (b) A statement of annual compliance shall be signed and notarized by the party identified in section (c) below, to demonstrate that the requirements contained in section (a) above have been met.**
- (c) The Company shall provide a contact person responsible for monitoring and enforcing the Company's requirements set forth in section (a) above.**

**Direction was given to staff to:**

- Work with athenahealth, Inc. on the details of providing public access tours of the Seaholm facility; and**
- Present financial detail of the Seaholm Development to the Audit and Finance Committee.**

**The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Council Member Morrison's motion, Council Member Martinez' second on a 4-0 vote. Council Members Riley, Spelman and Tovo were off the dais.**

40. 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.

**The public hearing was conducted and there was a motion made by Council Member Morrison and seconded by Council Member Tovo to close the public hearing and deny the appeal.**

**A substitute motion was made by Mayor Pro Tem Cole and seconded by Council Member Spelman to close the public hearing and approve the appeal with the following conditions and friendly amendment. The motion passed on a vote of 4-3. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez and Spelman. Those voting nay were: Council Members Morrison, Riley and Tovo.**

**The additional conditions were:**

- 1. The applicant will provide a total of 52 parking spaces with 41 on-site and obtaining 11 within 500 feet of the location.**
  - 2. High-quality security video is required for all bar entries, exits and service areas during all hours of operation. Such videos must be retained for a minimum of two weeks.**
  - 3. All live outdoor music is prohibited.**
  - 4. All noise-generating events are restricted to the bar area, indoor bar and/or bar deck.**
  - 5. Sound levels are restricted to the following at the property line of the area covered by this conditional use permit:**
    - a. 70 decibels between 10:00 a.m. and 8:00 p.m. on Sunday through Thursday**
    - b. 70 decibels between 10:00 a.m. and 12:00 a.m. on Friday, Saturday and Sunday**
    - c. Inaudible at the property line of the area covered by this conditional use permit at all other times.**
  - 6. All outdoor trash and recycling activities dumping, pick-up times, and eccetra are restricted to between the hours of 7:00 a.m. and 11:00 a.m.**
  - 7. All loading and off-loading activities will be provided on-site per City Code and restricted to between the hours of 7:00 a.m. and 5:00 p.m.**
  - 8. Closing hours of 1:00 a.m. for Friday, Saturday and Holidays.**
- \*\*Designated above may be modified for special events a maximum of 6 days per year with 2 week events and notification to the Brentwood and Allendale Neighborhood Associations. The hours of such events will be limited to the regular bar hours or 1:00 a.m. closing time.**

**There was a friendly amendment made by Council Member Martinez to:**

- Prohibit on street parking for Little Woodrow customers or employees on Clay Street; and**
- To expedite residential permit parking in other areas such as Longmont and whatever neighboring streets that want to apply for it.**

**The amendment was accepted by the maker of the motion and Council Member Spelman, who made the second.**

**Mayor Leffingwell adjourned the meeting at 12:26 a.m. without objection.**

**The minutes were approved on this the 13th day of February, 2014 on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**