

**AUSTIN CITY COUNCIL
MINUTES****REGULAR MEETING
THURSDAY, AUGUST 8, 2013**

Invocation: The Rev. Dr. Margot Perez-Greene, Associate Pastor, Tarrytown United Methodist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 8, 2013 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.

Item 1 was pulled for discussion.

2. Authorize negotiation and execution of an agreement with Austin Children's Museum, to provide a performance-based incentive for the generation of solar energy at its facility located at 1830 Simond Ave., Austin, Texas 78723, for an estimated \$7,811 per year, for a total amount not to exceed \$78,118 over a 10-year period.

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

3. Approve Service Extension Request No. 3151 for water service to a 37 acre tract at 9300 W SH 71, located within the Drinking Water Protection Zone and partially in the City's 2-mile extraterritorial jurisdiction and corporate limits. Related to Item #4.

The motion to approve service extension request number 3151 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

4. Approve Service Extension Request No. 3152 for wastewater service to a 37 acre tract at 9300 W SH 71, located within the Drinking Water Protection Zone and partially in the City's 2-mile extraterritorial jurisdiction and corporate limits. Related to Item #3.

The motion to approve service extension request number 3152 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 5 and 6 were pulled for discussion.

Item 7 was set for a time certain of 3:00 p.m.

8. Authorize execution of a construction contract with PRUDENT TECHNOLOGIES, INC DBA PRUDENT CONSTRUCTION SERVICE, INC for the Shaw Lane Facility Improvements Project in an amount not to exceed \$2,695,658, plus a \$269,566 contingency, for a total contract amount not to exceed \$2,965,224. (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 12.96% MBE and 10.56% WBE participation.)

The motion authorizing the execution of a construction contract with Prudent Technologies, Inc. doing business as Prudent Construction Service, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

9. Authorize execution of a construction contract with SANTA CLARA CONSTRUCTION, LTD., for the Miscellaneous Water and Wastewater Rehabilitation Phase 3 project in the amount of \$944,955 plus a \$94,495.50 contingency, for a total contract amount not to exceed \$1,039,450.50. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Program) by meeting the goals with 67.40% MBE prime participation, 5.00% MBE and 2.73% WBE subcontractor participation.)

The motion authorizing the execution of a construction contract with Santa Clara Construction, Ltd. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 10 was pulled for discussion.

Item 11 was set for a time certain of 7:00 p.m.

Item 12 was pulled for discussion.

13. Authorize negotiation and execution of a professional services agreement with MICHAEL VAN VALKENBURGH ASSOCIATES, INC. for architectural and engineering services for the design of the Sabine Street Promenade Project in an amount not to exceed \$750,000. (Notes: This contract will be awarded in compliance with the requirements of 49 CFR Part 26 (Disadvantaged Business Enterprise Program) and City Code Chapter 2-9B (Minority Owned and Women Owned Business Enterprise Procurement Program) by meeting the goal with 31.30% DBE subcontractor participation.)

The motion authorizing the negotiation and execution of a professional services agreement with Michael Van Valkenburgh Associates, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

14. Authorize execution of a construction contract with AUSTIN TRAFFIC SIGNAL CONSTRUCTION CO., INC. for the Annual Traffic Signal Installation/Modification 2013 Project in an amount not to exceed \$1,282,752. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Woman Owned Business Enterprise Procurement Program) by meeting the goals with 14.84% MBE and 1.76% WBE subcontractor participation.)

The motion authorizing the execution of a construction contract with Austin Traffic Signal Construction Co., Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

15. Authorize execution of a construction contract with RESTEK, INC, for the 2013 Miscellaneous Bridge Maintenance - Rebid project in the amount of \$454,694.50 plus a \$45,469.45 contingency, for a total contract amount not to exceed \$500,163.95. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9A (Minority Owned and Women Owned Business Enterprise Procurement Program) through the achievements of Good Faith Efforts with 16.30% MBE and 7.80% WBE subcontractor participation.)

The motion authorizing the execution of a construction contract with Restek, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 16 was pulled for discussion.

17. Approve the 2013 General Obligation Bond Sale Schedule (\$113,250,000 in Public Improvement Bonds, \$25,355,000 in Certificates of Obligation and \$51,240,000 in Contractual Obligations).

The motion to approve the 2013 general obligation bond sale schedule was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

18. Authorize negotiation and execution of contract amendments with the following four providers of HIV-related services under the Ryan White Part A HIV Emergency Relief Project Grant Program with AIDS SERVICES OF AUSTIN, INC., in an amount not to exceed \$125,175 for a total contract amount not to exceed \$1,246,129; PROJECT TRANSITIONS, INC., in an amount not to exceed \$22,681 for a total contract amount not to exceed \$100,354; COMMUNITY ACTION INC. OF CENTRAL TEXAS, in an amount not to exceed \$8,013 for a total contract amount not to exceed \$33,013; THE WRIGHT HOUSE WELLNESS CENTER, in an amount not to exceed \$12,130 for a total contract amount not to exceed \$203,418.

The motion authorizing the negotiation and execution of contract amendments with AIDS Services of Austin, Inc.; Project Transitions, Inc; Community Action Inc. of Central Texas and The Wright House Wellness Center was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 19 was pulled for discussion.

20. Approve a resolution adopting the City's Fiscal Year 2013-14 Action Plan related to the allocation of the U.S. Department of Housing and Urban Development grant funds and the Fiscal Year 2013-2014 Community Development Program; authorizing the City Manager to submit grant applications and certifications related to the HUD grant funds; and authorizing the City Manager to execute documents necessary to carry out the above purposes.

Resolution No 20130808-020 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 21 was pulled for discussion.

22. Authorize application for grant funding in the amount of \$321,038 from the U.S. Department of Justice, Bureau of Justice Assistance, for the 2013 Justice Assistance Grant Program.

The motion authorizing the application for grant funding from the U.S. Department of Justice, Bureau of Justice Assistance was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

23. Authorize award and execution of a contract with SMITH PUMP COMPANY, INC., for the rehabilitation and startup of a 2-stage vertical turbine pump for the Austin Water Utility in an amount not to exceed \$178,700. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore no goals were established for this solicitation.)

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

24. Authorize award and executions of a contract with PEERLESS EQUIPMENT, LTD, for the purchase of two self-retracting mobile water reels for the Austin Water Utility in the total contract amount of \$97,404. (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 contract with Peerless Equipment, Ltd. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

25. Authorize award and execution of a 36-month requirements supply contract with HD SUPPLY WATERWORKS, LTD, for the purchase of fire hydrant upper barrels and parts for the Austin Water Utility in an amount not to exceed \$659,565, with two 12-month extension options in an amount not to exceed \$219,855 per extension option for a total contract amount not to exceed \$1,099,275. (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 contract with HD Supply Waterworks, Ltd was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

26. Authorize award and execution of a 24-month requirements supply agreement with BRENNTAG SOUTHWEST, INC., for the supply of liquid alum for the Austin Water Utility in an amount not to exceed \$48,408, with two 12-month extension options in an amount not to exceed \$24,204, per extension option for a total contract amount not to exceed \$96,816. (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 Brenntag Southwest, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 27 was pulled for discussion.

28. Authorize award, negotiation, and execution of four 12-month requirements service contracts with ATLAS EFFICIENCY SOLUTIONS, LLC; ATS ENGINEERS, INSPECTORS, SURVEYORS; TEXAS GREEN VENTURES, LLC and FOX ENERGY SPECIALISTS, or one of the other qualified offerors to RFP No. TVN0029, to provide test-out energy audit services for Austin Energy, in an amount not to exceed \$150,000 each and combined, with one 12-month extension option in an amount not to exceed \$150,000 each and combined, for a total contract amount not to exceed \$300,000 each and combined. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

The motion authorizing the award, negotiation and execution of four requirements service contract with Atlas Efficiency Solutions, LLC; ATS Engineers, Inspectors, Surveyors; Texas Green Ventures, LLC and Fox Energy Specialists was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

29. Authorize award and execution of a 36-month requirements supply contract with C.C. LYNCH & ASSOCIATES, INC., for replacement equipment and captive repair parts for the Watershed Protection Department's Water Quality Monitoring system, with one 12-month extension option, for a total contract amount not to exceed \$500,000. (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 contract.)

The motion authorizing the award and execution of a requirements supply contract with C.C. Lynch & Associates, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

30. Authorize award and execution of a 36-month supply agreement with TECHLINE PIPE to provide inlet lids, manhole covers and rings, and grates for the Watershed Protection Department in the amount not to exceed \$199,394 with three 12-month extension options in an amount not to exceed \$66,465 per extension option, for a total contract amount not to exceed \$398,789. (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 supply agreement with Techline Pipe was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
31. Authorize award and execution of a 36-month service contract with ONE TOUCH POINT GINNY'S for printing of the Austin plant guides for the Watershed Protection Department in an amount not to exceed \$180,000, with three 12-month extension options in an amount not to exceed \$60,000 per extension option, for a total contract amount not to exceed \$360,000. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the award and execution of a service contract with One Touch Point Ginny's was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
32. Authorize award and execution of a contract with BEEHIVE SPECIALTY, for the purchase of reusable canvas bags for Austin Resource Recovery in an amount not to exceed \$143,500. (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 contract with Beehive Speciality was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
33. Authorize award and execution of a contract with CAPP, INC., for the purchase of heat exchanger plates for Austin Energy's District Cooling Plant #2 in an amount not to exceed \$66,630. (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 contract with Capp, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
34. Authorize negotiation and execution of a 24-month requirements supply agreement with W-S INDUSTRIAL SERVICES, INC. for condenser tube cleaning services for Austin Energy in an amount not to exceed \$255,506 with two 24-month extension options in an amount not to exceed \$255,506 per extension option, for a total contract amount not to exceed \$766,518. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority Owned and Women Owned Business Enterprise Procurement Program) No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)
The motion authorizing the negotiation and execution of a requirements supply agreement with W-S Industrial Services, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
35. Authorize award and execution of two 24-month requirements supply agreements for the purchase of high voltage air switches for Austin Energy with: ROYAL SWITCHGEAR in an amount not to exceed \$697,250 with two 24-month extension options in an amount not to exceed \$697,250 per extension

option, for a total contract amount not to exceed \$2,091,750, and with MORPAC INDUSTRIES, INC. in an amount not to exceed \$606,000, with two 24-month extension options in an amount not to exceed \$606,000 per extension option, for a total contract amount not to exceed \$1,818,000. The annual amount for all high voltage air switches required under these contracts will be for a total combined amount not to exceed \$651,625. (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 two requirements supply agreements with Royal Switchgear and Morpac Industries, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

36. Authorize award and execution of a 36-month requirements supply contract with CAPITOL BEARING SERVICE, for IFB-BV No. JSD0217, for hydraulic hose repair parts and services for the Fleet Services Department in an amount not to exceed \$443,252, with three 12-month extension options in an amount not to exceed \$162,563 for the first year extension option, \$170,591 for the second extension option and \$179,021 for the third extension option, for a total contract amount not to exceed \$955,426. (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 contract with Capitol Bearing Service was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

37. Authorize award and execution of a 36-month requirements supply contract with INDUSTRIAL DISTRIBUTION GROUP INC., dba ALAMO IRON WORKS to provide reinforcing steel (rebar) for the Public Works Department in an amount not to exceed \$649,050, with three 12-month extension options in an amount not to exceed \$216,350 per extension option, for a total contract amount not to exceed \$1,298,100. (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 contract with Industrial Distribution Group Inc. doing business as Alamo Iron Works was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

38. Authorize award and execution of a 36-month requirements supply contract with MCCAIN INC., to provide traffic signal heads for the Transportation Department in an amount not to exceed \$240,000, with three 12-month extension options in an amount not to exceed \$80,000 per extension option, for a total contract amount not to exceed \$480,000. (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 contract with McCain Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

39. Authorize award and execution of a one-time purchase through TEXAS LOCAL GOVERNMENT PURCHASING COOPERATIVE (SMARTBUY) with TWINCREST INC. dba TWINCREST TECHNOLOGIES for the purchase of Bluetooth Reader Systems for the Transportation Department in an amount not to exceed \$450,000. (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 contract.)

The motion authorizing the award and execution of a one-time purchase through Texas Local Government Purchasing Cooperative (SMARTBUY) with Twincrest Inc. doing business as

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

40. Authorize award and execution of a contract with GREENBELT SOLAR for the purchase and installation of a solar photovoltaic (PV) system for four residential duplexes in the Guadalupe-Saldana Net Zero Energy Community, in an amount not to exceed \$68,500. (Notes: This contract will be awarded in compliance with City Code Chapter 2-9C (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.)

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

41. Authorize award and execution of a 36-month requirements supply/service contract with RDO EQUIPMENT COMPANY, to provide John Deere OEM parts and repair services in an amount not to exceed \$920,938, with three 12-month extension options in an amount not to exceed \$336,346, \$352,265, and \$368,978 per extension option respectively, for a total contract amount not to exceed \$1,978,527. (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/service contract with RDO Equipment Company was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 42 was pulled for discussion.

43. Approve an ordinance amending City Code Chapter 13-2 relating to ground transportation passenger services.

This item was postponed on consent to August 22, 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

44. Approve a resolution authorizing the negotiation and execution of an Advance Funding Agreement in the amount of \$112,477 between the City of Austin and the Texas Department of Transportation for modifications to the lane designations on US 183 at the Colorado River bridge.

Resolution No. 20130808-044 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

45. Approve an ordinance amending City Code Section 12-4-64(D) to add a 20 mile per hour school zone speed limit to a segment of West Longspur Boulevard for students attending Guerrero-Thompson Elementary School, and to provide for emergency passage.

Ordinance No. 20130808-045 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

46. Approve an ordinance amending City Code Chapter 13-2 to add definition for corporate contract as it relates to the regulation of ground transportation services.

Ordinance No. 20130808-046 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

47. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

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

Nominations

Board/Nominee**Nominated by**Austin Music Commission

Nakia Reynoso

Council Member Tovo

Board of Adjustment/Sign Review Board

Stuart Hampton (alternate)

Melissa Whaley Hawthorne

Jeff Jack

Bryan King

Will Schnier (alternate)

Mayor Leffingwell

Mayor Leffingwell

Council Member Morrison

Council Member Tovo

Mayor Leffingwell

Building and Standards Commission

Dr. F. Ethelynn Beebe

Council Member Spelman

Housing Authority of the City of Austin

Edwina Carrington

Mayor Leffingwell

Planning Commission

Danette Chimenti

Stephen Oliver

Myron Smith

Council Member Spelman

Council Member Riley

Council Member Morrison

Sustainable Food Policy Board

Selena Booth

Mayor Leffingwell

Urban Renewal Board

Joe Babb

Michael Clark-Madison

Mayor Leffingwell

Mayor Leffingwell

Nominations to Intergovernmental BodiesAustin Travis County Integral Care Board of Trustees

Dr. Exalton Delco

Mayor Leffingwell

Waivers

Approve a waiver of the residency within the service area in Section 2-1-143 of the City Code for the service of Clay Butler on the Electric Utility Commission.

Approve a waiver of the residency requirement in 2-1-21 of the City Code for the service of Edwina Carrington on the Housing Authority of the City of Austin.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Joah Spearman on the Downtown Commission. The waiver includes absences through today's date.

Approve a waiver of the attendance requirement in Section 2-1-26 of the City Code for the service of Richard Amato and Grace Hsieh on the Resource Management Commission. The waiver includes absences through today's date.

48. Approve a resolution directing the City Manager to work with First Tee of Austin to determine the feasibility of recreational programming in conjunction with the Parks and Recreation Department and the

Police Activities League in return for use of reclaimed water. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley)

Resolution No. 20130808-048 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

49. Approve a resolution directing the City Manager to review the city's process for handling requests for reasonable accommodation from housing-related code requirements on behalf of persons with disabilities, engage with stakeholders, and report back to Council. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Chris Riley)

Resolution No. 20130808-049 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

50. Approve an ordinance waiving certain fees and requirements and authorize payment of certain costs for the City co-sponsored Austin PRIDE Parade sponsored by Austin Pride Foundation, which is to be held on September 7, 2013. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Mayor Pro Tem Sheryl Cole)

Ordinance No. 20130808-050 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

51. Approve a resolution directing the City Manager to prepare a cost estimate and timeline for public improvements at Hyde Park Plaza and identify potential sources of funding to Council for consideration. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo)

Resolution No. 20130808-051 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 52 was pulled for discussion.

53. Approve a resolution initiating amendments to the City Code relating to dwelling unit occupancy limits. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member William Spelman CO 2: Council Member Chris Riley)

Resolution No. 20130808-053 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

54. Approve a resolution of the City of Austin for participation in a Regional Emergency Communications District as authorized by Chapter 772, Subchapter G, of the Texas Health and Safety Code. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Pro Tem Sheryl Cole)

Resolution No. 20130808-054 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

55. Approve an ordinance reimbursing certain fees and requirements for the Hers and His Hiring and Employment Resources Seminar sponsored by Blacks in Government which was held Saturday, July 13, 2013 at the George Washington Carver Museum and Cultural Center. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley)

Ordinance No. 20130808-055 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

56. Approve a resolution directing the City Manager to include the City of Austin as a participant in the Work-From-Home day on September 10, 2013. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Kathie Tovo CO 2: Council Member William Spelman)

Resolution No. 20130808-056 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

57. Approve an ordinance amending Resolution No. 021003-40 to make the Viva la Vida Street Festival and Parade a City Co-sponsored event, waiving certain fees and requirements, and authorizing payment of certain costs for the event which, for Fiscal Year 2013-14, will be held on October 19, 2013. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Council Member Kathie Tovo)

Ordinance No. 20130808-057 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 58 was pulled for discussion.

59. Approve an ordinance amending Chapter 2-1 (City Boards) of the City Code by adding Section 2-1-146 establishing the Hispanic/Latino Quality of Life Resource Advisory Commission (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley)

Ordinance No. 20130808-059 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

60. Approve a resolution initiating a code amendment to exempt ADA-compliant ramps from setback requirements, and directing the City Manager to review and make recommendations for reducing or eliminating fees and establishing an expedited review process for accessibility ramps. (Notes: SPONSOR: Council Member Kathie Tovo CO 1: Mayor Lee Leffingwell CO 2: Mayor Pro Tem Sheryl Cole)

Resolution No. 20130808-060 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

61. Approve a resolution creating the Austin/Travis County Mentoring Advisory Council and directing the City Manager to identify funding in the amount of \$15,000 to support the efforts and outcomes of the Mentoring Advisory Council. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo CO 2: Mayor Lee Leffingwell)

Resolution No. 20130808-061 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Item 62 was pulled for discussion.

63. Approve a resolution directing the City Manager to review and evaluate the viability of implementing an expedited permit review program for the City of Austin, to be modeled after those used by peer cities, that would shorten review times, streamline interdepartmental review, and increase efficiency. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member Chris Riley)

Resolution No. 20130808-063 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 6-1 vote. Council Member Morrison voted nay.

64. Approve the waiver of certain fees and requirements under City Code Chapter 14-8 for the National Alliance on Mental Illness (NAMI) Austin Walk event sponsored by NAMI Austin which is to be held on Saturday, September 28, 2013 beginning at Riverside and South 1st Street. (Notes: SPONSOR: Mayor Lee Leffingwell CO 1: Council Member Chris Riley CO 2: Mayor Pro Tem Sheryl Cole)

The motion to approve the waiver of certain fees and requirements for the National Alliance on Mental Illness (NAMI) Austin Walk event sponsored by NAMI Austin was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

65. Approve an ordinance waving certain fees and requirements for the Michael & Susan Dell Foundation Day of Service which is to be held Wednesday, September 11, 2013 at the Dove Springs Recreation Center. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez CO 2: Council Member Kathie Tovo)

Ordinance No. 20130808-065 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

66. Set a public hearing to receive public comment regarding the proposed increase to the drainage utility fee of the Watershed Protection Department as part of the City of Austin Fiscal Year 2013-14 Proposed Budget. (Suggested date and time: August 22, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set on consent for August 22, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
67. Set a public hearing to receive public comment on the proposed rate and fee changes for the Austin Water Utility as part of the Fiscal Year 2013-2014 Proposed Budget. (Suggested date and time: August 22, 2013, 4:00 p.m. at Austin City Hall, 301 West Second Street, Austin, TX)
The public hearing was set on consent for August 22, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
68. Set a public hearing to consider an ordinance amending City Code Chapter 25-11 to change the deadline for holding a public hearing on an application for demolition, relocation, or a building permit. (Suggested date and time: August 29, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)
The public hearing was set on consent for August 29, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
69. Set a public hearing to consider an ordinance amending City Code Chapters 25-2 and 25-8 relating to the review of variance requests for projects within 1000 feet of the Lake Austin shoreline. (Suggested date and time: October 3, 2013, 4:00 p.m. Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for October 3, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
70. Set a public hearing to consider an ordinance amending various sections of City Code Title 25 to clarify regulations related to bicycle and motor vehicle parking requirements, calculations and reductions. (Suggested date and time: August 29, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for August 29, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
71. Set a public hearing to consider an ordinance amending City Code Chapter 25 relating to the use classifications of off-site accessory parking in the Limited Office (LO) zoning district. (Suggested date and time: October 3, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for October 3, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
72. Set a public hearing to consider an ordinance regarding floodplain variances for construction of a retaining wall and fill at 101 Red River Street, which is the location of the proposed Fairmont Hotel, and is partially located within the 25-year and 100-year floodplains of Waller Creek. (Suggested date and time: August 22, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX)

The public hearing was set on consent for August 22, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

73. Set a public hearing to receive public comments on growth-related projects within the Drinking Water Protection Zone to be included in the Fiscal Year 2013-2014 Capital Budget. (Suggested date and time: August 22, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for August 22, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
74. Set a public hearing to receive public comment on the proposed rate and fee changes for Austin Energy as part of the Fiscal Year 2013-2014 Proposed Budget. (Suggested date and time: August 22, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for August 22, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
75. Set a public hearing to consider an ordinance amending City Code Chapter 25-2, regarding Planned Unit Development (PUD) development bonuses, such that affordable housing requirements, and in lieu donations, are calculated using the amount of building square footage in the proposed PUD that exceeds the baseline height or floor to area ratio. (Suggested date and time: October 3, 2013, 4:00 p.m. Austin City Hall, 301 W. Second Street, Austin, TX.).
The public hearing was set on consent for October 3, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
76. Set a public hearing to consider a request for City consent to the creation of the Cascades Municipal Utility District No. 1 ("MUD"). (Suggested date and time: August 29, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.).
The public hearing was set on consent for August 29, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
77. Set a public hearing to receive public comment on the City of Austin Fiscal Year 2013-2014 Proposed Budget. (Suggested date and time: August 22, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for August 22, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
78. Set a public hearing to receive public comment on the proposed rate and fee changes for the Austin Resource Recovery Department as part of the Fiscal Year 2013-2014 Proposed Budget. (Suggested date and time: August 22, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).
The public hearing was set on consent for August 22, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.
79. Set a public hearing to 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. (Suggested date and time: August 29, 2013, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).

The public hearing was set on consent for August 29, 2013 at 4:00 p.m. at City Hall, 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

Items 80 through 84 were Executive Session items.

Items 85 through 107 were zoning items set for 2:00 p.m.

Item 108 was an AHFC item set for 3:00 p.m.

Items 109 through 114 were public hearing items set for 4:00 p.m.

DISCUSSION ITEMS

Items 1 and 19 were acted on in a combined motion.

1. Approve the minutes of the Austin City Council work session of June 25, 2013, regular meeting of June 27, 2013 and budget work session of August 1, 2013.
The minutes from the City Council work session of June 25, 2013, regular meeting of June 27, 2013 and budget work session of August 1, 2013 were approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.
19. Approve an ordinance amending Ordinance No. 20130627-105 to reflect council action taken on June 27, 2013, regarding how fees generated from the Downtown Density Bonus Program will be used.
Ordinance No. 20130808-019 was approved with the following amendment on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.

Part 2 of the ordinance is amended to read, "Monies generated by the fee in Section 25-2-586(E)(1)(a)(ii) will be exclusively for permanent supportive housing for low barrier approaches, for the chronically homeless."
6. Approve an ordinance amending the Fiscal Year 2012-2013 Aviation Department Capital Budget (Ordinance No. 20120910-002) to appropriate \$62,250,000 from City of Austin Airport System Revenue Bonds, for the Terminal East Infill Project. Related to Items #5 and #12.
Ordinance No. 20130808-006 was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.
5. Approve a resolution declaring the City of Austin's official intent to reimburse itself from revenue bonds in the amount of \$62,250,000 for the Terminal East Infill Project. Related to Items #6 and #12.
Resolution No. 20130808-005 was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.
12. Authorize funding for Austin-Bergstrom International Airport Terminal East Infill Design-Build Agreement, related to new east terminal security checkpoint facilities, customs expansion/renovation, and new central receiving operations for construction phase services, with Design-Builder HENSEL PHELPS CONSTRUCTION COMPANY in the amount of \$59,450,000, plus \$2,800,000 owner contingency, for a total contract amount not to exceed \$62,250,000, and authorize negotiation and execution of guaranteed maximum price packages. Related to Items #5 and #6. (Notes: This contract was awarded in compliance with the DBE requirements of 49 C.F.R. Part 26.67 and Chapter 2-9B of the City Code (Disadvantaged Business Enterprise Program) by meeting the goals with 7.27% DBE subcontractor participation)
The motion authorizing the funding for Austin-Bergstrom International Airport Terminal East Infill Design-Build agreement with Hensel Phelps Construction Company was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.

16. Authorize the negotiation and execution of a Family Business Loan Program Section 108 loan to Eastern Diner, LLC to refinance a building at 4827 East Cesar Chavez, Austin, Texas, 78702, to provide restaurant space, inventory and working capital in an amount not to exceed \$519,000.
The motion authorizing the negotiation and execution of a family business loan program section 108 loan to Eastern Diner, LLC was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
10. Authorize negotiation and execution of a professional services agreement with BROWN & GAY ENGINEERS, INC., or one of the other qualified responders to RFQ Solicitation No. CLMP127, to provide engineering services for the ABIA Stormwater Drainage Improvements in an amount not to exceed \$2,500,000. (Notes: This contract was 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 16.00% WBE subconsultant participation.)
The motion authorizing the negotiation and execution of a professional services agreement with Brown & Gay Engineers, Inc. was approved on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
42. Authorize award, negotiation and execution of a 36-month requirements service contract with LOCKHEED MARTIN DESKTOP SOLUTIONS, INC., or with another qualified respondent to RFP No. BKH0156, for a hosted software solution to provide an enterprise-wide Public Information Request System in an amount not to exceed \$305,924. (Notes: This contract will be awarded in compliance with Chapter 2-9C of the City Code (Minority-Owned and Women-Owned Business Enterprise Procurement Program). No subcontracting opportunities were identified; therefore, no goals were established for this contract.)
The motion authorizing the award, negotiation and execution of a requirements service contract with Lockheed Martin Desktop Solutions, Inc. was approved on Council Member Morrison's motion, Council Member Martinez' second on a 4-0 vote. Mayor Leffingwell, Mayor Pro Tem Cole and Council Member Tovo were off the dais.
58. Approve a resolution directing the City Manager to initiate a comprehensive small-area planning process for the South Shore Central Sub-district of the Waterfront Overlay and the three adjacent parcels of the Travis Heights Sub-district. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole)
Resolution No. 20130808-058 was approved with the following amendment on Council Member Riley's motion, Council Member Martinez' second on a 4-1 vote. Council Member Tovo voted nay. Mayor Leffingwell and Mayor Pro Tem Cole were off the dais.
- The amendment was to have the second Be It Further Resolved of the ordinance read, "The City Manager is directed, subject to funding authorization, to engage outside consultants for services related to green infrastructure design, engineering, and management; development, financial, and market analysis; transportation planning and engineering; density bonus program formulation; and district-wide management, in order to create a more robust and implementable plan."**

CITIZEN COMMUNICATIONS: GENERAL

Susana Almanza - Hispanic/Latino quality of life.

Karen Hadden - Now is the time for move to solar energy.

Daniel Llanes - Growth/Gentrification in East Austin.

Laura Rice - Park for Crestview.

Kaiba White - Solar energy: expanding solar energy goals, expanding funding for solar energy programs, establishing a community solar program.

Mary Arnett - Police Staffing and Budget Request.

Ora Houston - The myth vs. reality.

Robert Morrow - Lyndon Johnson and the Murder of Martin Luther King.

Tom Smitty Smith - Growth of Solar and Economic Development.

Stan Pipkin - LSAC Report.

Council Member Spelman recessed the Council Meeting to go into Executive Session at 12:34 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.

80. Discuss legal issues relating to the November 2013 affordable housing general obligation bond election (Private consultation with legal counsel -Section 551.071 of the Government Code).
81. Discuss legal issues related to Open Government matters (Private consultation with legal counsel-Section 551.071 of the Government Code).
This item was withdrawn.
82. 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.
83. Evaluate the performance of and consider the compensation and benefits for the Municipal Court Clerk (Personnel matters - Section 551.074 of the Government Code).
84. Discuss legal issues related to the recent U.S. Supreme Court case striking the application of the requirement of the Voting Rights Act to preclear election-related changes. (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 3:09 p.m.

ZONING CONSENT ITEMS

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

85. NPA-2012-0016.01.SH - 1141 Shady Lane and 5300 Jain Lane (thinkEAST Austin) - Approve second/third readings of an ordinance amending Ordinance No. 20030327-12 of the Govalle/Johnston Terrace Combined Neighborhood Plan, an element of the Imagine Austin Comprehensive Plan, to change the future land use designation on the future land use map (FLUM) on property locally known as 1141 Shady Lane (Boggy Creek Watershed) from Single Family and Mixed Use land use to Major Planned Developments land use. First Reading approved on June 6, 2013. Vote: 7-0. Owner: thinkEAST Austin,

L.P. Applicant/Agent: Richard de Varga, thinkEAST Austin Management, L.L.C. City Staff: Maureen Meredith, 512-974-2695.

Ordinance No. 20130808-085 to change the future land use designation on the future land use map (FLUM) to Major Planned Developments land use was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

86. C14-2013-0025 - Spicewood Springs Homes - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4101 Spicewood Springs Road (Shoal Creek Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. First reading approved on June 27, 2013. Vote 4-2, Council Members Tovo and Morrison voted nay. Council Member Spelman was off the dais. Applicant: Harold Silberberg. Agent: PSW Real Estate (Ryan Diepenbrock). City Staff: Clark Patterson, 512-974-7691.

Ordinance No. 20130808-086 for townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning was approved on Council Member Martinez' motion, Council Member Spelman's second on a 6-1 vote. Council Member Morrison voted nay.

87. C14-2013-0045 - Huber Family Tract - Approve second/third readings of an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 4200 Rivercrest Drive (Lake Austin Watershed) from Lake Austin residence (LA) district zoning to single family residence-standard lot-conditional overlay (SF-2-CO) combining district zoning. First reading approved on June 27, 2013. Vote 5-1, Council Member Morrison voted nay. Council Member Spelman was off the dais. Applicant: Brian Huber. Agent: Land Answers (Jim Wittliff). City Staff: Clark Patterson, 512-974-7691.

This item was postponed on consent to August 22, 2013 at the staff's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

88. NPA-2011-0002.01 - Jaylee, Ltd. (1601 and 1645 East 6th Street) - Conduct a public hearing and approve an ordinance amending Ordinance No. 19990513-70 the East Cesar Chavez 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 know as 1601 and 1645 East 6th Street (Town Lake Watershed) from Specific Regulating District to Specific Regulating District land use. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on August 13, 2013. Owner: Jaylee, Ltd (Jim Arnold). Agent: Winstead PC (Amanda Swor). City Staff: Maureen Meredith, 974-2695.

This item was postponed on consent to August 29, 2013 at the staff's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

89. C14-2011-0091 - Jaylee, Ltd. - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1601 East 6th Street (Lady Bird Lake Watershed) from transit oriented district-neighborhood plan (TOD-NP) combining district zoning to transit oriented district-neighborhood plan-central urban redevelopment (TOD-NP-CURE) combining district zoning. Staff Recommendation: Pending. Planning Commission Recommendation: To be reviewed on August 13, 2013. Owner: Jaylee, Ltd. (Jim Arnold); Agent: Winstead PC (Amanda Swor). City Staff: Heather Chaffin, 512-974-2122.

This item was postponed on consent to August 29, 2013 at the staff's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

91. C14-2012-0109 - Sunflower - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1201 Robert E Lee Road (Lady Bird Lake Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning. Staff Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning. Planning Commission Recommendation: To deny townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning.

Owner/Applicant: Joe Joseph, Jr.; Hazel Joseph. Agent: Vinson Radke Investments (Steven Radke). City Staff: Lee Heckman, 974-7604. A valid petition has been filed in opposition to this rezoning request.

This item was postponed on consent to September 26, 2013 at the staff's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

92. C14-2012-0140 - Street and Bridge District Office- Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3511 Manor Road (Tannehill Branch Watershed) from community commercial-neighborhood plan (GR-NP) combining district zoning and community commercial-vertical mixed use building-neighborhood plan (GR-V-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Planning Commission Recommendation: To be reviewed August 13, 2013. Owner/Agent: City of Austin (Peter Davis). City Staff: Heather Chaffin, 974-2122. A valid petition has been filed in opposition to this rezoning request.
- This item was withdrawn on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

95. C14-2013-0009 - Prosperity Business Park - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 9101-9201 South IH 35 Service Road Northbound (Onion Creek Watershed) from general commercial services-conditional overlay (CS-CO) combining district zoning to general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning. Owner/Applicant: NL Land Holdings, Ltd. (John Lewis). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 512-974-7719.
- The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130808-095 for general commercial services-conditional overlay (CS-CO) combining district zoning, to change a condition of zoning was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

96. C14-2013-0031 - Clawson Patio Homes - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3907 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to urban family residence (SF-5) district zoning. Staff Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning, with conditions. Planning Commission Recommendation: To grant urban family residence-conditional overlay (SF-5-CO) combining district zoning with conditions. Owner: Dean Chen. Applicant: Bleyl Interests, Inc. (Vincent G. Huebinger). City Staff: Lee Heckman, 974-7604.
- This item was postponed on consent to August 22, 2013 at the neighborhood's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

97. C14-2013-0032 - Clawson Patio Homes II - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3903 Clawson Road (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to townhouse and condominium residence (SF-6) district zoning, as amended. Staff Recommendation: To grant multi-family residence-limited density-conditional overlay (MF-1-CO) combining district zoning with conditions. Planning Commission Recommendation: To grant townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning with conditions. Owner: Roy G. Crouse. Applicant: Bleyl Interests, Inc. (Vincent G. Huebinger). City Staff: Lee Heckman, 974-7604.
- This item was postponed on consent to August 22, 2013 at the neighborhood's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.**

98. C14-2013-0039 - Allen Development - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 8800 FM 969 Road (Elm Creek Watershed) from development reserve (DR) district zoning and single family residence-standard lot (SF-2) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning. Owner/Applicant: Joe D. Allen. Agent: The Faust Group (Bill Faust Group). City Staff: Heather Chaffin, 974-2122.
The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130808-098 for community commercial-conditional overlay (GR-CO) combining district zoning was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
99. C14-2013-0047 - JDJ Family Holdings, Ltd. (Slaughter 25 Rezoning) - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 913 West Slaughter Lane (Slaughter Creek Watershed) from development reserve (DR) district zoning and single family residence-large lot-conditional overlay (SF-1-CO) combining district zoning to townhouse and condominium residence-conditional overlay (SF-6-CO) combining district zoning, as amended. Staff Recommendation: To grant multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning. Owner/Applicant: JDJ Family Holdings, Ltd. (Kirby H. Jackson, Jr.). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.
The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for townhouse and condominium residence (SF-6) district zoning with a 200 unit limit was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
100. C14-2013-0048 - Westlake Zoning - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 3715 Westlake Drive (Lake Austin Watershed) from lake austin (LA) district zoning to single family residence-standard lot (SF-2) district zoning. Staff Recommendation: To grant single family residence-standard lot (SF-2) district zoning. Zoning and Platting Commission Recommendation: To forward to Council without a recommendation. Applicant: John Mayes. Agent: Permit Partners, Inc. (David Cancialosi). City Staff: Clark Patterson, 974-7691.
This item was postponed on consent to August 22, 2013 at the staff's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
101. C14-2013-0050 - Donaldson - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 13033 FM 2769 Road (Lake Travis Watershed) from development reserve (DR) district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Owner/Applicant: Brand and Debra Donaldson. Agent: Livin Austin Realty (Babs Yarbrough). City Staff: Sherri Sirwaitis, 512-974-3057.
This item was postponed on consent to August 29, 2013 at the neighborhood's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.
103. C14-05-0120(RCA) - Parmer US 290 - Conduct a public hearing and approve a restrictive covenant amendment for property locally known as East U.S. Highway 290 Westbound (Gilleland Creek Watershed) to amend a Restrictive Covenant to add a 3.142 acre tract to an existing Restrictive Covenant. Staff Recommendation: To grant an amendment of a Restrictive Covenant to add a 3.142 acre tract to an existing Restrictive Covenant. Zoning and Platting Commission Recommendation: To grant an

amendment of a restrictive covenant to add an adjacent tract to the restrictive covenant. Owner/Applicant: E 290 / Parmer, Ltd. (Andrew Pastor). Agent: Endeavor Real Estate Group (Dan Frey). City Staff: Heather Chaffin, 974-2122.

The public hearing was conducted and the motion to close the public hearing and approve the amendment of a restrictive covenant to add an adjacent tract to the restrictive covenant was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

104. C14-2013-0054 - Parmer US 290 Retail - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 10104 East U.S. Highway 290 Westbound (Gilleland Creek Watershed) from development reserve (DR) district zoning to commercial highway services-conditional overlay (CH-CO) combining district. Staff Recommendation: To grant commercial highway services-conditional overlay (CH-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant commercial highway services-conditional overlay (CH-CO) combining district zoning. Owner/Applicant: E 290 / Parmer, Ltd. (Andrew Pastor). Agent: Endeavor Real Estate Group (Dan Frey). City Staff: Heather Chaffin, 974-2122.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130808-104 for commercial highway services-conditional overlay (CH-CO) combining district zoning was approved on consent on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

106. C14R-85-149.100(RCA) - Scofield Farms Phase 3 Section 2 - Conduct a public hearing and approve a restrictive covenant amendment for property locally known as 13103 Wingate Way (Walnut Creek Watershed) to amend a restrictive covenant approved with the North Lamar Area Study. Staff Recommendation: To grant the Restrictive Covenant Amendment. Zoning and Platting Commission Recommendation: To be reviewed on August 6, 2013. Owner/Applicant: James E. McCarn. Agent: Coats Rose Yale Ryman & Lee, PC (John M. Joseph). City Staff: Sherri Sirwaitis, 512-974-3057.

This item was postponed on consent to August 29, 2013 at the staff's request on Council Member Martinez' motion, Council Member Spelman's second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

21. Approve an ordinance amending City Code Chapter 14-11 related to permanent encroachments in the public right-of-way.

There was a motion made by Council Member Spelman and seconded by Council Member Morrison to approve the amended ordinance.

There was a friendly amendment made by Council Member Morrison to:

Amend Section 14-11-51(A) as follows:

14-11-51 Application And Approval

- (A) After receiving an application and an application fee for the encroachment by a permanent private structure in a public right-of-way, the director shall review the application and submit the proposed encroachment agreement to the council for its consideration if the director determines that:**

- (1) The applicant complies with the requirements of this division; and**
- (2) The encroachment does not interfere with the City's present or future use of the public right-of-way.**

Amend Section 14-11-52 as follows:

14-11-52 Appraisal of Property.

- (C) To enter into an encroachment agreement, the applicant must submit to the city an amount equal to the appraised value of the affected right-of-way.**

Add a new Section 14-11-53(6) (Contents of Encroachment Agreement) to read as follows:

- (6) a provision providing that the agreement runs as a covenant on the land adjoining the property on which the encroachment exists as long as the improvement exists.

Add a new Section 14-11-53(7) (Contents of Encroachment Agreement) to read as follows:

- (7) a provision that the agreement may not be assigned or transferred without prior written consent of the property manager.

Amend and renumber Section 14-11-53 (Contents of Encroachment Agreement), Subsection (6) as follows:

- (8) other provisions that the council or city manager determines are necessary.

The amendment was accepted by the maker of the motion.

There was a friendly amendment made by Council Member Riley to have section 14-11-51(A)(2) read, “(2) the encroachment does not unduly interfere with the City’s present or future use of the public right-of-way.” The amendment was accepted by the maker of the motion and by Council Member Morrison, who made the second.

There was a friendly amendment made by Council Member Tovo to amend the draft ordinance as follows:

Amend Section 14-11-51 Application and Approval by adding additional language to (A) and creating a new (B) to read,

- (A) After receiving an application and an application fee for the encroachment by a permanent private structure in a public right-of-way, the director shall review the application and, if it meets the requirements of this division, submit the proposed encroachment agreement to the Planning Commission for review and recommendation.

- (B) After receiving a Planning Commission recommendation, the director shall submit the application to council for its consideration.

The amendment was not accepted by the maker of the motion.

There was a motion made by Council Member Tovo and seconded by Council Member Morrison to amend section 14-11-51 of the draft ordinance to read as follows. The motion failed on a vote of 2-5. Those voting aye were: Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman.

The amendment was to amend Section 14-11-51 Application and Approval by adding additional language to (A) and creating a new (B) to read,

- (A) After receiving an application and an application fee for the encroachment by a permanent private structure in a public right-of-way, the director shall review the application and, if it meets the requirements of this division, submit the proposed encroachment agreement to the Planning Commission for review and recommendation.

- (B) After receiving a Planning Commission recommendation, the director shall submit the application to council for its consideration.

There was a friendly amendment made by Council Member Morrison to include the language “upon recommendation of the director it is reviewed by the Land Use Commission.” This was accepted by the maker of the motion.

There was a friendly amendment made by Council Member Morrison to have section 14-11-52(A) read, “(A) After an application for a permanent encroachment in the public right-of-way is reviewed, the director shall establish the appraised value of the affected right-of-way.” The amendment was accepted by the maker of the motion.

There was a motion made by Council Member Morrison and seconded by Council Member Tovo to amend section 14-11-52(B) to read, “(B) The director shall use an appraisal prepared by an

independent appraiser engaged by the city.” The motion failed on a vote of 2-5. Those voting aye were: Council Members Morrison and Tovo. Those voting nay were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Martinez, Riley and Spelman.

There was a motion made by Council Member Morrison and seconded by Council Member Tovo to amend section 14-11-53(2) to read, “(2) a provision providing that the right-of-way shall automatically revert to the City if the use permitted under encroachment agreement terminates or is abandoned.” The motion was approved with the following friendly amendment on a 7-0 vote.

There was a friendly amendment made by Council Member Riley to have section 14-11-53(2) read “a provision providing that the right-of-way shall automatically revert to the City if the encroachment terminates or is abandoned.” The friendly amendment was accepted by the maker and Council Member Tovo, who made the second.

Ordinance No 20130808-021 was approved with the friendly amendments and motions listed above on Council Member Spelman’s motion, Council Member Morrison second on a 7-0 vote.

7. Approve an ordinance ordering a special election to be held on November 5, 2013; and approve an ordinance adopting ballot language for the voters to consider a proposition for the issuance of General Obligation Bonds for affordable housing by the City of Austin. Election funding is contingent upon approval of appropriations for the Fiscal Year 2013-2014.

There was a motion made by Mayor Pro Tem Cole and second by Council Member Tovo to approve the ordinance to adopt ballot language with the following amendments. The amendments were:

- Replace the words “low and moderate” with “low income”.
- Fill in the blank dollar amount with 65,000,000.

There was an amendment made by Council Member Spelman and second by Mayor Leffingwell to fill in the blank dollar amount with 55,000,000. The amendment failed on a vote of 3-4. Those voting aye were: Mayor Leffingwell and Council Members Riley and Spelman. Those voting nay were: Mayor Pro Tem Cole and Council Members Martinez, Morrison and Tovo.

Ordinance No. 20130808-007A adopting ballot language was approved with the amendments listed above on Mayor Pro Tem Cole’s motion, Council Member Tovo’s second on a 7-0 vote.

Ordinance No. 20130808-007B ordering a special election was approved on Mayor Pro Tem Cole’s motion, Council Member Tovo’s second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting for Live Music and Proclamations at 5:27 p.m.

LIVE MUSIC

Peligrosa

PROCLAMATIONS

Proclamation -- ADA's 23rd Anniversary -- to be presented by Mayor Lee Leffingwell and to be accepted by Tanya Winters and Presentation of the 2013 Austin Access Awards -- by Mayor Lee Leffingwell and Tanya Winters and to be accepted by the honorees

Presentation to the City by HHSD to be accepted by Mayor Lee Leffingwell

Certificate of Congratulations -- Austin's Most Prepared Person -- to be presented by Mayor Lee Leffingwell and to be accepted by Mackenzie Kelly and Distinguished Service Award -- Retirement -- Linda Haynie -- to be presented by Mayor Lee Leffingwell and to be accepted by the honoree

Proclamation -- Channel Austin's 40th Anniversary -- to be presented by Council Member Laura Morrison and to be accepted by Linda Litowsky

Certificate of Congratulations -- Austin Aztex Soccer Team -- to be presented by Council Member Mike Martinez and to be accepted by Aztex representatives

Mayor Leffingwell called the Council Meeting back to order at 7:03 p.m.

PUBLIC HEARINGS AND POSSIBLE ACTION

The following items were acted on in a combined motion.

109. Conduct a public hearing and consider an ordinance amending City Code Chapters 25-2 and 25-12 relating to the regulation of short-term rental residential uses and other regulating lodging establishments; authorizing the limited refund or credit for certain fees paid; and waiving the review requirement of Section 25-1-502.
This item was postponed to August 22, 2013 on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.
110. Conduct a public hearing and consider an ordinance repealing and replacing Article 9 of City Code Chapter 25-12 to adopt the 2012 International Property Maintenance Code and local amendments.
This item was postponed to August 22, 2013 on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.
111. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-1 to change the requirements for neighborhood plan amendment procedures.
This item was postponed to August 29, 2013 on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.
112. Conduct a public hearing and consider an 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.
This item was postponed to August 22, 2013 on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.
113. Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 relating to the granting of special exceptions for existing residential structures.
This item was postponed to August 22, 2013 on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.
114. Conduct a public hearing and consider an appeal by the West Point Society of Central Texas regarding the Zoning and Platting Commission's denial of its appeal of the Historic Landmark Commission's decision on a Certificate of Appropriateness for work proposed at Mount Bonnell/Covert Park, a City of Austin Historic Landmark.
This item was postponed indefinitely on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.

Mayor Leffingwell recessed the Council Meeting and called the Board of Directors' Meeting of the Austin Housing Finance Corporation to order at 7:06 p.m. See separate minutes.

Mayor Leffingwell called the Council Meeting back to order at 7:13 p.m.

DISCUSSION ITEMS CONTINUED

27. Authorize award, negotiation and execution of a ten-year requirements service contract with LANDIS + GYR for utility automated meter infrastructure (AMI) services for Austin Energy in an amount not to exceed \$60,102,752. (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.)
The motion authorizing the award, negotiation and execution of a requirements service contract with Landis + GYR was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 7-0 vote.
52. Approve a resolution initiating amendments to the City Code to ensure a minimum affordability period for affordable housing units built in the Rainey Street Subdistrict. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo)
Resolution No. 20130808-052 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 5-2 vote. Those voting aye were: Council Members Martinez, Morrison, Riley, Spelman and Tovo. Those voting nay were: Mayor Leffingwell and Mayor Pro Tem Cole.
62. Approve a resolution directing the City Manager to work with necessary staff and outside stakeholders to create a standard affordability impact evaluation process that measures the increase in costs, to all types of development, caused by proposed changes to the City code, ordinances, administrative rules and policies and provide recommendations for Council to consider by December 12, 2013. (Notes: SPONSOR: Mayor Pro Tem Sheryl Cole CO 1: Mayor Lee Leffingwell CO 2: Council Member William Spelman)
Resolution No. 20130808-062 was approved with the following friendly amendments on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 6-1 vote. Council Member Tovo voted nay.

Friendly amendments made by Council Member Tovo:

- Remove the fifth and sixth Where As clause in the resolution.
- In the 8th Where As clause add the words "more fully" before the word "identifies".
- Adjust the last Be It Therefore Resolved to read, "The City manager is directed to work with the necessary staff and outside stakeholders to craft a standard evaluation process that more fully measures..."
- Have the last Be It Resolved read, "The City Manager is directed to work with the necessary staff and outside stakeholders to create a standard evaluation process and cost benefits analysis, for all development, caused by proposed changes to the City Code, other ordinances, administrative rules and other potential policy changes."

The amendments were not accepted by the maker of the motion.

Friendly amendments made by Council Member Morrison:

- Have the fifth Where As read, "Where as the AIS is currently limited to its evaluation of the impact on housing development but does not consider other forms of construction."
- Strike the sixth Where As.

The amendments were accepted by the maker of the motion and by Council Member Spelman, who made the second.

90. C14-2012-0100 - Woodland Commercial Park - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 1640 South IH-35 (Harper's

Branch Watershed) from community commercial-conditional overlay-neighborhood plan (GR-CO-NP) combining district zoning to general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning. Staff Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, with conditions. Planning Commission Recommendation: To grant general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, with conditions. Owner: Woodland I-35, LP (Billy Reagan II). Applicant: Husch Blackwell LLP (Nikelle Meade). City Staff: Lee Heckman, 974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130808-090 for general commercial services-conditional overlay-neighborhood plan (CS-CO-NP) combining district zoning, with conditions was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

94. C14-99-0132(RCT) - Prosperity Business Park - Conduct a public hearing and approve a restrictive covenant termination on property locally known as 9101-9201 South IH 35 Service Road Northbound (Onion Creek Watershed). Staff Recommendation: To grant the restrictive covenant termination. Zoning and Platting Commission Recommendation: To grant the restrictive covenant termination. Owner/Applicant: NL Land Holdings, Ltd. (John Lewis). Agent: Alice Glasco Consulting (Alice Glasco). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and the motion to close the public hearing and approve the restrictive covenant termination was approved on Council Member Spelman's motion, Council Member Tovo's second on a 7-0 vote.

102. C14-2013-0053 - Still Waters - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 515 East Slaughter Lane (Onion Creek Watershed) from multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning to multi-family residence-medium density (MF-3-CO) combining district zoning. Staff Recommendation: To grant multi-family residence-medium density (MF-3-CO) combining district zoning with conditions. Zoning and Platting Commission Recommendation: To grant multi-family residence-medium density (MF-3-CO) combining district zoning with conditions. Owner/Applicant: Westwood Residential 48 LP. (Jeff Lindsey). Agent: Jones & Carter, Inc. (James M. Schissler). City Staff: Wendy Rhoades, 512-974-7719.

The public hearing was conducted and the motion to keep the public hearing open and adopt the first reading of the ordinance for multi-family residence-medium density (MF-3-CO) combining district zoning with conditions was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.

105. C14-2013-0060 - Bluff Springs Food Mart - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 7101 Bluff Springs Road (Onion Creek Watershed) from single family residence-small lot-conditional overlay (SF-4A-CO) combining district zoning and neighborhood commercial-conditional overlay (LR-CO) combining district zoning to neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Staff Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Planning Commission Recommendation: To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Owner: Bluff Springs Food Mart, Inc. (Tariq Majeed). Applicant: Moncada Consulting (Phil Moncada). City Staff: Wendy Rhoades, 974-7719.

This item was postponed to September 26, 2013 at the neighborhood's request on Council Member Tovo's motion, Council Member Martinez' second on a 7-0 vote.

107. C14H-2013-0003 - Seaholm Power Plant - Conduct a public hearing and consider an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 800 West Cesar Chavez Street (Lady Bird Lake Watershed) from downtown mixed use-central urban redevelopment-conditional overlay (DMU-CURE-CO) combining district zoning to downtown mixed use-central urban redevelopment-conditional overlay-historic landmark (DMU-CURE-CO-H) combining district zoning. Staff Recommendation: To

grant downtown mixed use-central urban redevelopment-conditional overlay-historic landmark (DMU-CURE-CO-H) combining district zoning. Historic Landmark Commission Recommendation: To grant downtown mixed use-central urban redevelopment-conditional overlay-historic landmark (DMU-CURE-CO-H) combining district zoning. Planning Commission Recommendation: To grant downtown mixed use-central urban redevelopment-conditional overlay-historic landmark (DMU-CURE-CO-H) combining district zoning. Applicant: Southwest Strategies Group, Inc. (John Rosato). City Staff: Steve Sadowsky, 974-6454.

The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20130808-107 for downtown mixed use-central urban redevelopment-conditional overlay-historic landmark (DMU-CURE-CO-H) combining district zoning was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.

The motion to waive the rules and allow Council to meet after 10 p.m. was approved on Mayor Pro Tem Cole's motion, Council Member Martinez' second on a 7-0 vote.

DISCUSSION ITEMS CONTINUED

93. C814-2012-0160 - 211 South Lamar Boulevard Planned Unit Development - Conduct a public hearing and approve an ordinance amending City Code Chapter 25-2 by rezoning property locally known as 211 South Lamar Boulevard (Lady Bird Lake Watershed) from general commercial services (CS) district zoning and general commercial services-vertical mixed use building (CS-V) combining district zoning to planned unit development (PUD) district zoning. Staff Recommendation: To grant planned unit development (PUD) district zoning. Planning Commission Recommendation: To grant planned unit development (PUD) district zoning. Owner: Post Paggi, LLC (Jason Post). Applicant: Winstead PC (Stephen O. Drenner). City Staff: Lee Heckman, 974-7604.

The public hearing was conducted and the motion to close the public hearing and adopt the first reading of the ordinance for planned unit development (PUD) district zoning was approved with the following amendments and direction on Council Member Riley's motion, Council Member Spelman'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 were:

- **Use all notes presently on the land use plan.**
- **Add the following language to note 36 "none of the pedestrian oriented uses along Riverside Drive or South Lamar Boulevard shall consist of residential uses."**

Direction was given to staff to have the MOU with the Bridges executed before it comes back to Council on second reading and to bring back the planned unit development (PUD) ordinance on third reading.

Mayor Leffingwell recessed the meeting at 10:39 p.m. without objection.

Mayor Leffingwell called the meeting back to order at 11:05 p.m.

11. Approve an ordinance amending Ordinance No. 20110629-003 (waiving certain development fees related to the construction of the J. W. Marriott at 2nd Street and Congress Avenue by White Lodging) to provide clarification and direction regarding amendment of the wage rate requirements, waive past non-compliance, and impose additional conditions.

There was a motion made by Council Member Martinez to approve the ordinance with an amendment to apply prevailing wage and the intent of the City's NBEWBE ordinance. This motion was later withdrawn by Council Member Martinez.

No action was taken, the original ordinance remains in effect.

Mayor Leffingwell adjourned the meeting at 12:19 a.m. without objection.

The minutes were approved on this the 22nd day of August 2013 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.